

COMPLIANCE WITH APPLICABLE LAWS, ORDINANCES, REGULATIONS AND STANDARDS

7.1 INTRODUCTION

This section is provided to facilitate the CEC's preparation of Mandatory Findings and Conclusions relative to the proposed Magnolia Power Project's (MPP) compliance with Public Resources Code (PRC) Sections 25216.3 and 25402(d). It also addresses conformity of the proposed project with applicable federal, state, local, or regional laws, ordinances, regulations and standards (LORS).

The LORS applicable to each environmental topic are identified in the following subsections. Table 7.1-1 provides a summary of federal, state and local LORS, administering agencies, and requirement(s) for compliance with respect to construction and operation of the MPP as identified in Section 5.0. A discussion of conformance and applicable permits for the proposed project is generally addressed within each environmental topic (Section 5.0).

In accordance with the California Public Resources Code, Section 25500 *et seq.*, the CEC has exclusive power to certify this AFC. The CEC operates under the authority of the California Public Resources Code § 25550, which states in part:

...the commission shall have the exclusive power to certify all sites and related facilities in the state.... The issuance of a certificate by the commission shall be in lieu of any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency to the extent permitted by federal law...and shall supersede any applicable statute, ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law.

During the AFC process, the CEC will consider resource and environmental issues addressed in the AFC. In so doing, the CEC will ensure compliance with federal, state, and local laws, ordinances, regulations and standards.

State and local agencies are encouraged to comment during the AFC licensing process. However, the CEC decision may supersede the need to obtain any state or local permit in the interest of project implementation.

With respect to the project compliance with the California Environmental Quality Act (CEQA), Cal. Public Resources Code § 21000 *et seq.*, and the CEQA Guidelines, 14 CCR § 15000 *et seq.*, the Lead Agency is responsible for implementing and administering CEQA. The CEC will be the Lead Agency for the Magnolia Power Project. The CEC's permit review

process will fulfill CEQA requirements. In addition to CEC certification of the AFC, the Applicant will obtain, as applicable, all necessary federal approvals.

TABLE 7.1-1
MAGNOLIA POWER PROJECT SUMMARY OF LORS AND COMPLIANCE

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
7.2 Need for Facility Demand Conformance					
Section 2.0, Project Objectives					
	None	None applicable.	--		--
7.3 Project Siting and Construction					
7.3.1 Engineering Geology					
Section 5.3, Geological Hazards and Resources	Federal	None applicable.	--		--
	State	Cal. PRC 25523(a); 20 CCR § 1752(b) & (c).	City of Burbank Community Development Department Building Division.	23	Protect environment quality and assure public health.
	Local	California Building Code (CBC) Appendix Chapter 33.	City of Burbank Community Development Department Building Division.	23	Control excavation, grading, and construction, to safeguard life and property welfare.
		California Building Code 1998, Volume 2, Chapter 16.	City of Burbank Community Development Department Building Division.	23	This element sets forth rules and regulations that address potential seismic hazards.
	Industry	None applicable.	--		--
7.3.2 Civil and Structural Engineering					
Section 3.5, Facility Civil/Structural Features	None	None applicable.	--		--
7.3.3 Mechanical Engineering					
	None	None applicable.	--		--

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
7.3.4 Electrical Engineering					
	None	None applicable.	--		--
7.4.1 Power Plant Reliability					
	Federal	None applicable.	--		--
	State	None applicable.	--		--
	Local	None applicable.	--		--
	Industry	EPRI, NERC, various codes and standards for components	--		EPRI and NERC trade associations guidelines will be followed.
7.4.2 Public/Worker Safety and Health Protection					
Section 5.16, Public Health; Section 5.17, Worker Safety	Federal	Occupational Health & Safety Act of 1970 (OSHA), 29 USC 651 et seq.; 29 CFR 1910 et seq.; and 29 CFR 1926 et seq.	OSHA and Cal-OSHA.	16	Meet employee health and safety standards for employer-employee communications, electrical operations, and chemical exposures.
		Department of Labor, Safety and Health Regulations for Construction Promulgated Under Section 333 of the Contract Work Hours and Safety Standards Act, 40 USC 327 et seq.	OSHA and Cal-OSHA.	16	Meet employee health and safety standards for construction activities. Requirements addressed by CCR Title 8, General Construction Safety Orders.
		Uniform Fire Code, 1997 with amendments.	City of Burbank Fire Department.	22	Meet requirements for the storage and handling of hazardous materials (Article 80), flammable and combustible liquids (Article 79), and for obtaining permits (Article 4).

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.16, Public Health; Section 5.17, Worker Safety (continued)	Federal	National Fire Protection Association (See Table 7.4-1 for list of standards)	City of Burbank Fire Department.	22	Meet standards necessary to establish a reasonable level of safety and property protection from the hazards created by fire and explosion.
	State	California Code of Regulations, Title 8.	Cal-OSHA.	16	Meet requirements for a safe and hazard-free working environment. Categories of requirements include General Industry Safety Orders, General Construction Safety Orders, Electrical Safety Orders.
		California Clean Air Act, California Health & Safety Code 39650 et seq.	California Air Resources Board (CARB), South Coast Air Quality Management District (SCAQMD).	14, 12	Meet requirements for Best Available Control Technology to minimize exposure limits to toxic air pollutants and possible risk assessments for carcinogen pollutants.
		California Health & Safety Code, Part 6, Section 44300 et seq.	SCAQMD.	12	Estimate emissions for listed air toxic pollutants and submit inventory to air district for major sources of criteria air pollutants. Follow-up from air district may require a health risk assessment.
		California Public Resources Code § 25523 (a); 20 CCR § 1752, 1752.5, 2300-2309, and Division 2, Chapter 5, Article 1, Appendix B, part (i), California Energy Commission (CEC)	CEC		This code provides Health Risk Assessment Guidelines to assist in the evaluation of the potential health impacts of a proposed project. The CEC requires the preparation of a quantitative health risk assessment.
	Local	None applicable	--		--

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.16, Public Health; Section 5.17, Worker Safety (continued)	Industry	Various.	Various.		Industry codes and trade association standards are typically requirements of the manufacturers of equipment – see text (Section 7.4.3) for partial listing.
7.5 Environmental Information					
7.5.1 Introduction					
7.5.2 Air Quality					
Section 5.2, Air Quality	Federal	Clean Air Act (CAA) §160-169A and implementing regulations, Title 42 United States Code (USC) §7470-7491 (42 USC §7470-7491), Title 40 Code of Federal Regulations (CFR) Parts 51 & 52 (40 CFR Parts 51 & 52). (Prevention of Significant Deterioration Program).	SCAQMD, with EPA Region IX oversight.	12, 3	Requires PSD review and facility permitting for construction of new or modified major stationary sources of air pollution. PSD review applies to pollutants for which ambient concentrations are lower than NAAQS.
		CAA §171-193, 42 USC §7501 et seq., 40 CFR Parts 51 & 52 (New Source Review).	SCAQMD, with EPA Region IX oversight.	12, 3	Requires NSR facility permitting for construction or modification of specified stationary sources. NSR applies to pollutants for which ambient concentration levels are higher than NAAQS.
		CAA §401 (Title IV), 42 USC §7651 et seq., 40 CFR parts 51 & 52 (Acid Rain Program).	SCAQMD, with EPA Region IX oversight.	12, 3	Requires reductions in NO _x and SO _x emissions.
		CAA §501 (Title V), 42 USC §7414, 40 CFR Part 64 (CAM Rule).	SCAQMD, with EPA Region IX oversight.	12, 3	Establishes on-site monitoring requirements for emission control systems.

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.2, Air Quality (continued)	Federal	CAA §501 (Title V), 42 USC §7661, 40 CFR Part 70 (Federal Operating Permits Program).	SCAQMD, with EPA Region IX oversight.	12, 3	Establishes comprehensive operating permit program for major stationary sources.
		CAA §112, 42 USC §7412, 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants).	SCAQMD, with EPA Region IX oversight.	12, 3	Establishes national emission standards to limit HAPs from existing major sources of HAP emissions.
		CAA §111, 42 USC §7411, 40 CFR Part 60 (New Source Performance Standards – NSPS).	SCAQMD, with EPA Region IX oversight.	12, 3	Establishes national standards of performance for new stationary sources.
		EPCRA §313 (TRI Program).	EPA Region IX	3	Requires subject facilities to report toxic releases to the environment.
	State	California Health & Safety Code 17 (H&SC) §44300-44384; California Code of Regulations (CCR) §93300-93347 (Toxic “Hot Spots” Act).	SCAQMD, with CARB oversight.	12, 14	Requires preparation and biennial updating of facility emission inventory of hazardous substances; risk assessments, notification and plans to reduce risks.
		California Public Resources Code §25523(a); 20 CCR §§ 1752, 1752.5, 2300-2309, and Division 2, Chapter 5, Article 1, Appendix B, Part(k) (CEC & CARB Memorandum of Understanding).	CEC.	6	Requires that CEC’s decision on PTC include requirements to assure protection of environmental quality; AFC required to address air quality protection, including mitigation.
		H&SC §41700 (Public Nuisance).	SCAQMD, with CARB oversight.	12, 14	Prohibits emissions in quantities that adversely affect public health, other businesses, or property.

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.2, Air Quality (continued)	Local	California Health and Safety Code § 25500 to 25541; 19 CCR §§ 2720-2734.	Office of Emergency Services and Los Angeles County Health Services Department.		This code establishes inventory, reporting, business and area planning requirements with respect to hazardous and acutely hazardous materials in accordance with the Federal Emergency Planning and Community Right-to-Know Act of 1986.
		SCAQMD Regulation XIII, H&SC §40910-40930 (Review of New or Modified Sources).	SCAQMD, with CARB and EPA Region IX oversight.	12, 14, 3	NSR requires that pre-construction review be conducted for all proposed new or modified sources of air pollution, including BACT, emissions offsets, and air quality impact analysis. NSR applies to pollutants for which ambient concentration levels are higher than state or federal AAQS.
		SCAQMD Air Quality Plan & H&SC §41914.	SCAQMD, with CARB oversight.	12, 14	Defines proposed strategies including stationary source control measures and new source review rules.
		SCAQMD Regulation XVII, H&SC §39500 et seq. (Prevention of Significant Deterioration Program).	SCAQMD, with CARB and EPA Region IX oversight.	12, 14, 3	Requires PSD review and facility permitting for construction of new or modified major stationary sources of air pollution. PSD review applies to pollutants for which ambient concentrations are lower than NAAQS.

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.2, Air Quality (continued)	Local	SCAQMD Regulation IX, Part 60, Chapter I, Title 40, Subparts Da and GG, H&SC §40000 et seq. (Standards of Performance for New Stationary Sources).	SCAQMD, with EPA Region IX oversight.	12, 3	By reference, incorporates the provisions of 40 CFR Part 60, Subparts Da and GG requiring compliance with Federal Standards of Performance for Electric Utility Steam Generating Units (Subpart Da) and Stationary Gas Turbines (Subpart GG)
		SCAQMD Regulation XX Rule 2005 (New Source Review for RECLAIM).	SCAQMD, with CARB and EPA Region IX oversight.	12, 14, 3	RECLAIM requires that pre-construction review be conducted for all proposed new or modified sources of air pollution at subject RECLAIM NOx and SOx facilities, including BACT, RECLAIM trading credits, and air quality impact analysis.
		SCAQMD Regulation XXX, H&SC §40000 et seq., §40400 et seq. (Federal Operating Permits).	SCAQMD, with CARB and EPA Region IX oversight.	12, 14, 3	Implements operating permits requirements of CAA Title V.
		SCAQMD Regulation XXXI, H&SC §40000 et seq., §40400 et seq. (Acid Deposition Control).	SCAQMD, with CARB and EPA Region IX oversight.	12, 14, 3	Implements acid rain regulations of CAA Title IV.
		SCAQMD Rule 53.A, H&SC §40000 et seq., and H&SC §40400 et seq. (Specific Contaminants).	SCAQMD, with CARB and EPA Region IX oversight.	12, 14, 3	Limits SOx and PM emissions from stationary sources.
		SCAQMD Rule 201, H&SC §40000 et seq., and H&SC §40400 et seq. (Permit to Construct).	SCAQMD, with CARB and EPA Region IX oversight.	12, 14, 3	Defines procedures for review of new and modified sources of air pollution.

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.2, Air Quality (continued)	Local	SCAQMD Rule 401, H&SC §40000 et seq., §40400 et seq. (Visible Emissions).	SCAQMD, with CARB and EPA Region IX oversight.	12, 14, 3	Limits visible emissions to no darker than Ringelmann No. 1 for periods greater than 3 minutes in any hour.
		SCAQMD Rule 402, H&SC §40000 et seq., §40400 et seq. (Public Nuisance).	SCAQMD, with CARB and EPA Region IX oversight.	12, 14, 3	Prohibits emissions in quantities that cause injury, detriment or annoyance to the public, or that damages businesses, or property.
		SCAQMD Rule 403, H&SC §40000 et seq., §40400 et seq. (Fugitive Dust).	SCAQMD, with CARB and EPA Region IX oversight.	12, 14, 3	Limits fugitive dust emissions from man-made fugitive dust sources.
		SCAQMD Rule 407, H&SC §40000 et seq., §40400 et seq. (Liquid and Gaseous Air Contaminants).	SCAQMD, with CARB and EPA Region IX oversight.	12, 14, 3	Limits CO and SOx emissions from stationary sources.
		SCAQMD Rule 409, H&SC §40000 et seq., §40400 et seq. (Combustion Contaminants).	SCAQMD, with CARB and EPA Region IX oversight.	12, 14, 3	Limits PM emissions from fuel combustion.
		SCAQMD Rule 474, H&SC §40000 et seq., §40400 et seq. (Fuel Burning Equipment – Oxides of Nitrogen).	SCAQMD, with CARB and EPA Region IX oversight.	12, 14, 3	Limits NOx emissions from stationary sources.
		SCAQMD Rule 475, H&SC §40000 et seq., §40400 et seq. (Steam Generating Equipment).	SCAQMD, with EPA Region IX CARB oversight.	12, 14, 3	Limits PM emissions from stationary sources.
		SCAQMD Rule 476, H&SC §40000 et seq., §40400 et seq. (Steam Generating Equipment).	SCAQMD. With CARB and EPA Region IX oversight.	12, 14, 3	Limits NOx and combustion contaminants from stationary combustion sources.

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.2, Air Quality (continued)	Local	SCAQMD Rule 431.1, H&SC §40000 et seq., §40400 et seq. (Sulfur Content of Gaseous Fuels).	SCAQMD, with CARB and EPA Region IX oversight.	12, 14, 3	Limits the sulfur content of natural gas to reduce SOx emissions from stationary combustion sources.
		SCAQMD Rule 431.2, H&SC §40000 et seq., §40400 et seq., (Sulfur Content of Liquid Fuels).	SCAQMD, with CARB and EPA Region IX oversight.	12, 14, 3	Limits the sulfur content of natural gas to reduce SOx emissions from stationary combustion sources.
		SCAQMD Rule 1110.2, H&SC§40000 et seq., §40400 et seq., (Emissions from Stationary Internal Combustion Engines).	SCAQMD, with CARB and EPA Region IX oversight.	12, 14, 3	Limits emissions of NOx, VOC, and CO from stationary internal combustion engines. Engines are exempt from this rule if each unit is operated less than 200 hours per year.
		SCAQMD Rule 1134, H&SC §40000 et seq., §40400 et seq. (Emissions of Oxides of Nitrogen from Stationary Gas Turbines).	SCAQMD, with CARB and EPA Region IX oversight.	12, 14, 3	Limits NOx from stationary gas turbines.
		SCAQMD Rule 1135, H&SC §40000 et seq., §40400 et seq. (Emissions of Oxides of Nitrogen from Electric Power Generating Systems).	SCAQMD, with CARB and EPA Region IX oversight.	12, 14, 3	Limits NOx from electric power generating systems.
		SCAQMD Rule 1146, H&SC §40000 et seq., §40400 et seq. (Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters).	SCAQMD, with CARB and EPA Region IX oversight.	12, 14, 3	Limits NOx and CO from industrial, institutional, and commercial steam generating units.

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.2, Air Quality (continued)	Local	SCAQMD Rule 1401, H&SC §39650-39675 (New Source Review of Toxic Air Contaminants).	SCAQMD, with CARB and EPA Region IX oversight.	12, 14, 3	Establishes allowable risks for new or modified sources of toxic air contaminants and for control of emissions.
7.5.3 Geologic Hazards and Resources					
Section 5.3, Geologic Hazards and Resources, is addressed in Section 7.3.1, Engineering Geology, of this table					
7.5.4 Agriculture and Soils					
Section 5.4, Agriculture and Soils	Federal	Federal Water Pollution Control Act of 1972; Clean Water Act of 1977 (including 1987 amendments).	Los Angeles RWQCB under the direction of the SWRCB.	11, 7	Meet discharge requirements relative to sediment due to accelerated erosion.
		U.S Department of Agriculture, Soil Conservation Service (SCS), <i>National Engineering Handbook</i> (1983), Sections 2 and 3.	Natural Resource Conservation Service (NRCS).	4	Planning, design, and construction of soil conservation practices
	State	Cal. Pub. Res. Code § 25523(a); CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2, Subchapter 5, Article 1, Appendix B, Part (i).	CEC.	6	Submission of information to the CEC concerning potential environmental impacts.
		Guidelines for Implementation of CEQA, Appendix G; 14 CCR § 15000 – 15387.	CEC.	6	Evaluate erosion or siltation and conversion of agricultural lands.
		California Porter-Cologne Water Quality Control Act of 1972; Cal. Water Code, § 13260 - 13269; 23 CCR Chapter 9.	CEC, Los Angeles RWQCB and the SWRCB.	11, 7	Obtain waste discharge requirements concerning potential surface water pollution from project area runoff.

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.4, Agriculture and Soils (continued)	Local	Los Angeles RWQCB “Standard Urban Storm Water Mitigation Plan for Los Angeles County and Cities in Los Angeles”.	Los Angeles RWQCB.	11	Establishes post-construction requirements for stormwater/erosion and sediment control.
		City of Burbank Municipal Code; Chapter 7, Article 19, Part 2	City of Burbank, Building Division.	23	Requires a local stormwater pollution prevention plan (SWPPP) and wet weather erosion control plan.
		City of Burbank Municipal Code; Chapter 13, Article 1	City of Burbank, Building Division.	23	Establishes grading requirements during construction phase.
		City of Burbank Municipal Code; Chapter 25, Article 10; Part 1	City of Burbank Building Division.	19	Establishes a storm water and runoff pollution control program in compliance with SUSMP.
	Industry	None applicable.	--		--
7.5.5 Water Resources					
Section 5.5, Water Resources	Federal	Clean Water Act § 402, 33 USC § 1342; 40 CFR Parts 122 - 136.	Los Angeles RWQCB, and the EPA, Region IX.	11, 3	Provides requirements for NPDES permit. A Construction Activity Stormwater Permit from the RWQCB is required.
		40 CFR Part 423 Effluent Guidelines and Standards for Steam Electric Generating Point Source Category.	Los Angeles RWQCB.	11	Prescribe effluent limitation guidelines for cooling tower blowdown and various in-plant waste streams.
		40 CFR §§125 and 143.	Los Angeles RWQCB.	11	Discharges must comply with standards. Standards included in current NPDES Permit.

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.5, Water Resources (continued)	State	Clean Water Act § 402, 40 CFR Part 122.26.	Los Angeles RWQCB.	11	Requires NPDES permits for storm water discharges from Municipal Storm Water (MS4s) to waters of the United States. Established requirements for storm water discharges under the NPDES program.
		California Porter-Cologne Water Quality Control Act of 1972; Cal. Water Code, § 13000-14957. Division 7. Water Quality.	CEC, Los Angeles RWQCB and the SWRCB.	6, 11, 7	Siting, operation and closure of waste disposal requires submission of waste and site classification for waste discharge permit.
		State Water Resources Control Board, Resolution 75-58 (June 18, 1975).	SWRCB.	7	Comply with policy on the use and disposal of inland water used for power plant cooling.
		California Water Code § 13263(a).	Los Angeles RWQCB.	11	Requires that waste discharge requirements issued by Regional Boards shall implement any relevant water quality control plans that have been adopted; shall take into consideration the beneficial uses to be protected and the water quality objectives reasonably required for that purpose; other waste discharges; and, the need to prevent nuisance.
		California Water Code §§ 13271 – 13272; 23 CCR §§ 2250 – 2260; CWA §311; 33 USC §1321; 40 CFR §§ 110, 112, 116, 117.	Los Angeles RWQCB, and the California Office of Emergency Services (OES).	11	Reporting of releases of reportable quantities of hazardous substances or sewage and releases of specified quantities of oil or petroleum products.

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.5, Water Resources (continued)	State	California Water Code § 13550 et seq.	SWRCB and Los Angeles RWQCB.	11, 7	Requires use of reclaimed water where available and appropriate. The SWRCB also adopted Resolution 75-58, which encourages the use of wastewater for power plant cooling and established preferences.
		California Water Code § 13269; 23 CCR Chapter 9.	Los Angeles RWQCB.	7	Requires filing of a report of waste discharge and compliance with waste discharge requirements that enforce relevant water quality protection objectives of the Water Quality Control Plan. For construction activities, the waste discharge requirements may include requirements based on CWA §402(p) and implementation regulations at CFR Part 122 seq.
		California Constitution, Article 10 §2.	SWRCB.	7	Prohibits waste or unreasonable use of water
		California Safe Drinking Water and Toxics Enforcement Act (California Health and Safety Code 25249.5 et seq.).	Los Angeles RWQCB.	11	Prohibits actions contaminating drinking water with chemicals known to cause cancer or possessing reproductive toxicity.
		California Toxics Rule.	Los Angeles RWQCB.	11	Establishes water quality standards for toxics for inland surface waters and enclosed bays and estuaries

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.5, Water Resources (continued)	State	California Public Resources Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300-2309, and Chapter 2 Subchapter 5, Article 1, Appendix B, Part (i).	CEC.		Requires information concerning proposed water resources and water quality protection.
		Water Quality Control Plan (Basin Plan) for the Los Angeles Region.	SWRCB, Los Angeles RWQCB.	7, 11	Specifies between the beneficial uses of receiving waters and contains both narrative and numerical water quality objectives for the receiving waters in the County of Los Angeles.
	Local	Article 10 of Chapter 25, Burbank Municipal Code.	LARWQCB.	11	Adopts the “Standard Urban Storm Water Mitigation Plan” (SUSMP) issued by the Los Angeles Regional Water Quality Control Board.
	Industry	None applicable.	--		--
7.5.6 Biological Resources					
Section 5.6, Biological Resources	Federal	Endangered Species Act of 1973; 16 USC § 1531 et seq.; 50 CFR Parts 17 and 222.	USFWS.	1	Protection and management of federally-listed threatened or endangered plants and animals and their designated critical habitats (terrestrial and avian species). Requires Section 7 Endangered Species Act consultation with USFWS (or Section 10A).
		National Environmental Policy Act; 42 USC § 4321 et seq.	USFWS.	1	Analysis of impacts of federal action.
		Migratory Bird Treaty Act; 16 USC §§ 703 - 711; 50 CFR Subchapter B.	USFWS.	1	Protection of migratory birds.

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.6, Biological Resources (continued)	State	Fish and Wildlife Coordination Act; 16 USC §§ 661 - 666.	USFWS.	1	Conservation of fish and wildlife.
		California Endangered Species Act of 1984; California Fish & Game Code §§ 2050 - 2098.	California Department of Fish and Game (CDFG).	5	Consultation requirement.
		California Species Preservation Act of 1970; California Fish & Game Code §§ 900-903.	CDFG.	5	Protection and enhancement of the birds, mammals, fish, amphibians and reptiles of California.
		California Fish & Game Code § 3503.	CDFG.	5	No taking or possessing of the nests or eggs of birds.
		California Fish & Game Code § 3511 and § 5050.	CDFG.	5	No taking of birds, reptiles, or amphibians listed as fully protected.
		California Fish and Game Code § 4700 & §5515.	CDFG.	5	No taking of mammals listed as fully protected.
		California Environmental Quality Act; California Public Resources Code § 21000 et seq.	CEC.	6	Protection of environment.
		California Public Resources Code §25523(a); 20 CCR §§1752, 1752.5, 2300-2309, and Chapter 2, Subchapter 5, Article I, Appendix B, Part (I).	CEC with comment by the CDFG.	5, 6	Inclusion of requirements in the CEC's decision on an AFC to assure protection of environmental quality considered having a significant effect on listed species.
	Local	City of Burbank General Plan-Conservation Element.	City of Burbank Planning and Development Department.	26	See discussion in Section 5.6.4.3
		City of Burbank General Plan-Open Space Element.	City of Burbank Planning and Development Department.	26	See discussion in Section 5.6.4.3
	Industry	None applicable.	--		--

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
7.5.7 Cultural Resources (addressed in Section 7.5.8 below)					
7.5.8 Cultural & Paleontological Resources					
Section 5.7, Cultural Resources; Section 5.8, Paleontology	Federal	NHPA, as amended; 16 USC § 470 et. seq., § 106; 36 CFR 800.	State Office of Historic Preservation.	15	Formal finding by the lead federal agency for cultural resources in consultation with the SHPO and the Advisory Council on Historic Preservation. Implement procedures for dealing with cultural resources discovered during construction.
		NEPA; 42 USC 4321 - 4327; 40 CFR § 1502.25.	Lead Federal Agency.		Analysis of potential environmental impacts to cultural resources on federal lands
		1978 Memorandum from the Associate Director of the USBLM.	Lead Federal Agency.		Implement significance criteria for paleontological resources.
		Federal Antiquities Act of 1906: 16 USC 432, 433.	Lead Federal Agency.		Basic legislation for preservation of cultural properties on federal lands.
		Executive Order 11593.	Lead Federal Agency.		Directs federal agencies to inventory, nominate properties to the NRHP and protect cultural resources
		Archaeological and Historic Preservation Act of 1976 (16 USC 469).	Secretary of the Interior and Lead Federal Agency.		Provides for coordination with the Secretary when a federally-licensed undertaking may cause irreparable damage to significant cultural resources.
		Archaeological Resources Protection Act of 1979 16 USC 470a et seq.	Secretary of the Interior and Lead Federal Agency.		Provides for felony-level penalties for destruction, damage or removal of cultural resources on federal lands.

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.7, Cultural Resources; Section 5.8, Paleontology (continued)	Federal	Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001).	Lead Federal Agency.		Establishes mechanism for right of Indian tribes to claim ownership of human remains and certain cultural items.
		Secretary of the Interior's Standards and Guidelines, September 29, 1983.	Secretary of the Interior and Lead Federal Agency.		Establishes standards for the gathering and treatment of data related to cultural resources.
	State	California Environmental Quality Act (CEQA) Section 15064.5; California Public Resources Code § 5024, 5024.5, and 21083.2; Title 14, CCR § 15126.	CEC.	6	Formal findings by the lead state agency regarding project-related effects to important cultural resources and unique paleontological resources.
		Cal. Pub. Res. Code §§ 25523(A), 25527; 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2, Subchapter 5, Article 1, Appendix B, Part (i).	CEC.	6	Special consideration of unique historical, archaeological and cultural sites
		Cal. Health & Safety Code § 7050.5.	Los Angeles County Coroner (Medical Examiner).	21	Determination of origin of human remains and coordination with NAHC.
		Cal. Pub. Res. Code § 5024.1.	State Historical Resources Commission.	15	Establishes the California Register of Historical Resources and procedures for nominating sites to the Register.
		Cal. Pub. Res. Code § 5097.5.	Los Angeles County Planning Department.	19	Prevent unauthorized removal of archaeological resources or paleontological remains on public lands.
		Cal. Pub. Res. Code §§ 5097.94 and 5097.98.	Native American Heritage Commission (NAHC).	17	Mediation of disputes related to recovery and treatment of Native American human remains and identification of most likely descendants.

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.7, Cultural Resources; Section 5.8, Paleontology (continued)	Local	Los Angeles County General Plan.	Los Angeles County Planning Department.	19	The General Plan provided policies to protect and identify historical, archaeological, paleontological, geological and significant architectural structures.
		Los Angeles County Code Title 22; Chapter 22.56.215 Section F1b.	Los Angeles County Planning Department.	19	Requires projects in hillside management areas be compatible with the natural, biotic, cultural, scenic and open space resources of the area
	Local	City of Burbank Municipal Code, Article 9, Division 6.	City of Burbank Planning Department.	26	The city outlines Historic Preservation Regulations including their purpose, and definition and criteria regarding historical places or structures. Procedures, permitting, and maintenance pertaining to historical resources are also clarified
Not referenced in Section – but LORS may be applicable.		City of Burbank.	Burbank City Planning Department.	26	The city follows all provisions of CEQA and will be notified of significant cultural findings.
	Industry	None applicable.	--		--
7.5.9 Land Use					
Section 5.9, Land Use	Federal	None applicable	--		--
	State	Cal. Pub. Res. Code § 21000 - 21177 California Environmental Quality Act.	CEC.		Requires appropriate mitigation measures for potential environmental impacts.
		Cal. Pub. Res. Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2, Subchapter 5, Appendix B, Part (i)(3) and (4).	CEC.		Evaluate compatibility of the proposed project with relevant land use plans.

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.9, Land Use (continued)	State	Calif. State Planning Law, Government Code Sections 65300 and 65302.	City of Burbank Planning Department.	19	Requires preparation and adoption of General Plan by cities and counties. Requires inclusion of land use element in General Plan.
	Local	City of Burbank General Plan.	City of Burbank Community Development Department.	26	Comply with land use provisions.
		City of Burbank Municipal Code Chapter 21 (Environmental Protection).	CEC.	26	Comply with municipal codes relating to environmental protection.
		City of Burbank Municipal Code Chapter 31 (Zoning).	City of Burbank Community Development Department.	26	Comply with all applicable development standards and specific zoning requirements.
		City of Burbank Municipal Code Chapter 31, Article 8, Division 1, § 31-809 and Section 31-108 amended by Ordinance No. 3504	City of Burbank Community Development Department.	26	Allowed uses in M-2 zone.
		City of Burbank Municipal Code Chapter 31, Article 8, Division 1, § 31-812(a).	City of Burbank Community Development Department.	26	Property development standard for maximum height of a structure.
		City of Burbank Municipal Code Chapter 31, Article 8, Division 1, § 31-812(b).	City of Burbank Community Development Department.	26	Open space requirements.
		City of Burbank Municipal Code Chapter 31, Article 8, Division 1, § 31-812(c).	City of Burbank Community Development Department.	26	Setback, yard and landscape requirements.
		City of Burbank Municipal Code Chapter 31, Article 8, Division 1, § 31-813.	City of Burbank Community Development Department.	26	Requirement for development review application.

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.9, Land Use (continued)	Local	City of Burbank Municipal Code Chapter 31, Article 19, Division 1, § 31-1908-1915.	City of Burbank Community Development Department.	26	Development review.
		City of Burbank Municipal Code Chapter 31, Article 19, Division 4, § 31-1934 – 1953.	City of Burbank Community Development Department.	26	Includes CUP process and authority requirements.
		City of Burbank Municipal Code Chapter 31, Article 11, § 31-1114.	City of Burbank Parks and Recreation Department.	26	Includes art in public places requirement.
		City of Burbank Municipal Code Chapter 31, Article 11, § 31-1113.1.	City of Burbank Building Department.	26	Includes commercial and industrial design standards.
		City of Burbank Ordinance No. 3468.	City of Burbank Redevelopment Agency.	27	Establishes and adopts the South San Fernando Redevelopment Project.
		City of Burbank Municipal Code Chapter 31, Article 9 Division 3 § 31-910-914.	City of Burbank Community Development Department.	26	Railroad Zone District zoning requirements.
		City of Burbank Ordinance No. 3519.	City of Burbank Building Department.	23	Uniform Building Code compliance.
	Industry	None applicable.	--		--
7.5.10 Socioeconomics					
Section 5.10, Socioeconomics	Federal	Executive Order 12898.	EPA.	1	Project will have no minority-based or income-based environmental justice issues.

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.10, Socioeconomics (continued)	State	Cal. Pub. Res. Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 – 2309, and Chapter 2, Subchapter 5, Appendix B, Part (i); 14 CCR § 15131.	CEC.	6	Inclusion of economic or social effects analysis in AFC.
	Local	None applicable.	--		--
	Industry	None applicable.	--		--
7.5.11 Traffic and Transportation					
Section 5.11, Traffic and Transportation	Federal	49 CFR, Chapter II, Subchapter C; and Chapter III, Subchapter B.	Federal Department of Transportation and California Department of Transportation (Caltrans).	9	Meet standards for the transportation of hazardous materials.
	State	Cal. Vehicle Code, § 35780; Cal. Streets & Highways Code §§ 660-711; 21 CCR §§ 1411.1-1411.6.	Caltrans.	9	Transportation permits required for overloads.
		Cal. Streets and Highways Code §§ 117, 660-711.	Caltrans.	9	Encroachment permits requirements.
		California State Planning Law, Government Code Section 65302.	City of Burbank or Los Angeles County Planning Department.	26, 19	Requires each city and county to adopt a General Plan consisting of seven mandatory elements, including a circulation element, to guide its physical development.
		California Vehicle Code § 31300 et seq.	Caltrans.	9	Transportation of hazardous materials on state highways.

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.11, Traffic and Transportation (continued)	State	California Vehicle Code, Section 32105.	Caltrans.	9	Requires shippers of inhalation hazard or explosive materials contact the CHP and apply for a Hazardous Material Transportation License.
		California Streets and Highways Code, Division 2, Chapter 5.5, Sections 1460-1470.	Caltrans.	9	Requires encroachment permits for projects involving excavation in city streets.
		California Department of Transportation Traffic Manual, Section 5-1.1.	Caltrans.	9	Requires that a temporary traffic control plan be provided for “continuity of function (involvement of traffic, pedestrians, bicyclists, transit operations) and access to property utilities” during any time the normal function of a roadway is suspended.
	Local	City of Burbank Municipal Code Chapter 26 Streets, Article 5- Repair of Sidewalks and Curbs.	City of Burbank.	23	Explains that a property owner has five days to make repairs to damaged sidewalks or curbs adjacent to their property after receiving a written notice from the City of Burbank.
		City of Burbank Municipal Code Chapter 26, Article 7- Encroachment on City property.	City of Burbank.	23	States that no person can encroach on, in, under or over any property without applying for a permit. The permit is good for thirty days.
		Regional Transportation Plan.	Southern California Association of Governments (SCAG).	25	Requires compliance with goals and policies for transportation and regional traffic systems.

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.11, Traffic and Transportation (continued)	Local	City of Burbank Municipal Code Chapter 13 Excavations and Installations on Public Streets.	City of Burbank Public Works Department.	24	Explains that no person shall make any changes under, adjacent or on the public streets without first obtaining either an Excavation/Construction permit or a street use permit from the Director of Public Works.
		City of Burbank Municipal Code Chapter 29 Vehicles and Traffic, Article 13-Truck Routes and Streets Prohibited to Commercial Vehicles.	City of Burbank Public Works.	24	Restricts truck routes for commercial vehicles.
		City of Burbank Municipal Code Chapter 29 Vehicles and Traffic, Article 25-Overloads.	City of Burbank Public Works Department.	24	Requires a permit for moving a vehicle exceeding height, width, length, size, or height of vehicle, or load limitations set forth in Division 15 of the State Vehicle Code.
		City of Burbank Municipal Code Chapter 29 Vehicles and Traffic, Article 26-Terminal access for Interstate Trucks.	City of Burbank Public Works Department.	24	See Discussion in Section 5.11.5.3
		City of Burbank Municipal Code Chapter 31, Article 14-General Off Street Parking Standards.	City of Burbank.	24	Vacant lots can be temporarily used for construction or special events.
	Industry	None applicable.	--		--
7.5.12 Noise					
Section 5.12, Noise	Federal	EPA 1974 Noise Guidelines.	--		Guidance levels for protection of outdoor/indoor activities for noise.

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.12, Noise (continued)	Federal	Federal Transit Administration (FTA) Circular C56201.	CEC.	6	Controls operation noise and limits noise increases to less than 5 dBA.
		Occupational Safety and Health Act of 1970 (OSHA), (29 CFR § 1919 et seq.).	OSHA.	16	Requires compliance with worker noise exposure levels.
		Noise Control Act of 1972 as amended by the Quiet Communities Act (1978); (42 USC 4901 – 4918).			Guidance level.
	State	Cal/OSHA Occupational Noise Exposure Regulations (8 CCR, General Industrial Safety Orders, Article 105, Control of Noise Exposure, § 5095, et seq.)	Cal/OSHA.	16	Requires compliance with worker noise exposure standards.
		Cal. Noise Control Act of 1973 (Cal. Health and Safety Code, Division 28).	City of Burbank Planning Department.	26	Requires compliance with local noise ordinances.
	Local	City of Burbank General Plan, VI Noise Element.	City of Burbank Planning Department.	26	Encourages reduction of noise from all sources such as motor vehicles, industrial/commercial activities and home appliances.
		City of Burbank General Plan, VI Noise Element, Section VI, D and E.	City of Burbank Planning Department.	26	Recommends that exterior noise exposures at residential locations should not exceed an L_{dn} of 60 dBA. Interior noise levels attributable to exterior sources shall not exceed 45 dBA L_{dn} .

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.12, Noise (continued)	Local	City of Burbank Noise Ordinance (Chapter 21, Environmental Protection, Article 2, Noise Control, Burbank Municipal Code), Section 21-208.	City of Burbank Planning Department.	26	Sets permissible project-related increase of 5 dBA above ambient noise base levels by land use (residential, commercial and other uses).
		City of Burbank Noise Ordinance, Section 21-208.	City of Burbank Planning Department.	26	Specifies exterior noise standards for residential land uses by time of day; 10:00 p.m. to 7:00 a.m. (nighttime), 45 dBA for noises having a duration of 30 minutes or more in any one-hour period. From 7:00 a.m. to 10:00 p.m. (daytime), 55 dBA. If the location is on the boundary between two different land use classifications, the noise limit applicable to the more restrictive land use shall apply.
		City of Burbank Noise Ordinance, Section 21-208.	City of Burbank Planning Department.	26	Specifies exterior noise standard for commercial land use; 65 dBA for noises occurring anytime, having a duration of 30 minutes or more in any one-hour period. For other land uses the exterior noise standard is 70 dBA anytime.
		City of Burbank Noise Ordinance, Section 21-223.	City of Burbank Planning Department.	26	Prohibits the creation of any loud, unusual or unnecessary noise. Any device or equipment producing highly tonal or otherwise distinctive sounds could be considered as being in violation of the city's noise ordinance.

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.12, Noise (continued)	Local	City of Burbank General Plan, VI Noise Element.	City of Burbank Planning Department.	26	The impact of construction noise occurring during the daytime is considered minimal when the duration is no more than two or three months.
		California State Planning Law, Government Code, Section 65302.	City of Burbank.		Requires local jurisdictions to prepare General Plans that include noise elements.
	Industry	None applicable.	--		--
7.5.13 Visual Resources					
Section 5.13, Visual Resources	Federal	None applicable.	--		--
	State	None applicable.	--		--
	Local	City of Burbank General Plan.	City of Burbank Planning Department.	26	Requires public notification and review of any project that might adversely impact visual resources. Requires preparation of a Landscape Plan.
	Industry	None applicable.	--		--
7.5.14 Waste Management (addressed in Section 7.5.15 below)					
7.5.15 Hazardous Materials Handling and Waste Management					
Section 5.14, Waste Management and Section 5.15, Hazardous Materials Handling	Federal	42 USC § 6901 - 6992k, Regulate non-hazardous and hazardous waste and Section 6.12.2.1, RCRA Subtitle C and D.	EPA, Region IX and Cal-EPA, Department of Toxic Substances Control (DTSC).	1, 8	Regulate non-hazardous and hazardous wastes. Laws implemented by the state.
		40 CFR 260, et seq.	CalEPA DTSC.	8	Implementing regulations for RCRA Subtitle C law. Implemented by the U.S. EPA by delegating to the state.

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.14, Waste Management and Section 5.15, Hazardous Materials Handling (continued)	Federal	Federal Clean Water Act 33 U.S.C §1251 et seq.	Los Angeles RWQCB, and the EPA, Region IX.	1, 11	Regulates wastewater discharges to surface waters of the NPDES program administered at the state level.
		29 USC § 651, 29 CFR § 1910 et seq. and § 1926 et seq.	OSHA.	1	Meet requirements for equipment used to store and handle hazardous materials necessary to protect workers.
		40 CFR, Parts 144, 145, and 146.	EPA IX, Los Angeles RWQCB.	1, 12	Establishes minimum requirements for Underground Injection Control (UIC) programs.
		49 CFR, Parts 171-177.	California Highway Patrol (CHP) and Federal Department of Transportation.	10	Meet standards for labels, placards, and markings on hazardous waste shipments.
		Clean Air Act (40 CFR 68).	City of Burbank Fire Department.	22	Requires a RMP if listed hazardous materials are stored above threshold quantities (TQ).
		SARA Title III, Section 302.	City of Burbank Fire Department.	22	Requires certain planning activities when hazardous materials are present in excess of TQ.
		SARA Title III, Section 304.	City of Burbank Fire Department.	22	Requires notification if there is a release of hazardous materials in excess of TQ.
		SARA Title III, Section 311.	City of Burbank Fire Department.	22	MSDSs to be kept onsite for each hazardous material. Required to be submitted to the City of Burbank Fire Department.
		SARA Title III, Section 313.	City of Burbank Fire Department.	22	Requires annual reporting of releases of hazardous materials.

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.14, Waste Management and Section 5.15, Hazardous Materials Handling (continued)	State	California Porter-Cologne Water Quality Control Act; Cal. Water Code §§ 1300 et. seq.	Los Angeles RWQCB and SWRCB.	11, 7	Regulates wastewater discharges to surface and groundwater of California. NPDES program implemented by SWRCB
		Hazardous Waste Control Act of 1972, as amended; Cal. Health & Safety Code § 25100 et seq.; 22 CCR § 66001 et seq.	EPA, Region IX; DTSC; Los Angeles County Fire Department, Hazardous Materials Division.	1, 8, 20	Details requirements for the management of hazardous wastes.
		8 CCR §§ 339, 3200 et seq., 5139 et seq., and 5160 et seq.	CEC.	6	Addresses control of hazardous substances.
		Public Resources Code § 40000 et seq. (California Integrated Waste Management Act).	Los Angeles County Public Works Group.	18	Implements RCRA regulations for non-hazardous waste.
		Health and Safety Code Section 25500, et seq. (Waters Bill)	City of Burbank Fire Department.	22	Requires preparation of an HMBP if hazardous materials are handled or stored in excess of TQ.
		Health and Safety Code Section 25531, et seq. (La Follette Bill).	City of Burbank Fire Department.	22	Requires registration of facility with local authorities and preparation of a RMP if hazardous materials stored or handled in excess of TQ.
		CCR, Title 8, Section 5189.	City of Burbank Fire Department.	22	Facility owners are required to implement safety management plans to ensure safe handling of hazardous materials.
		California Uniform Building Code.	Burbank Community Development Department, Building Division.	23	Requirements regarding the storage and handling of hazardous materials.

TABLE 7.1-1**(CONTINUED)**

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.14, Waste Management and Section 5.15, Hazardous Materials Handling (continued)	State	California Government Code Section 65850.2.	Burbank Community Development Department, Building Division.	23	Restricts issuance of Certificate of Occupancy until facility has submitted a RMP.
		22 CCR § 66262.34.	City of Burbank Fire Department.	22	Regulates accumulation periods for hazardous waste generators. Typically hazardous waste cannot be stored on site for greater than 90 days.
	Local	City of Burbank Municipal Code, Chapter 25. Sewers. § 05-101 through 902.	City of Burbank Public Works Department.	24	Regulates discharge to the sanitary sewer system
		Los Angeles County Fire Department, Hazardous Materials Division.	City of Burbank Fire Department.	22	Regulates hazardous waste generator permitting, hazardous waste handling and storage.
		Los Angeles County Code Chapter 12.64.	City of Burbank Fire Department.	22	Requires new/modified businesses to complete a business plan, waste minimization plan, and RMP prior to final plan/permit approval.
		City of Burbank Municipal Code, Section 15.1-8000 Unified Hazardous Waste and Hazardous Materials Management Regulatory Program.	City of Burbank Fire Department.	22	Regulates enforcement responsibility for the implementation of Title 23, Division 3, Chapters 16 and 18 of CCR, as it relates to hazardous material storage and petroleum UST cleanup.
		Uniform Fire Code (Articles 79 and 80).	City of Burbank Fire Department.	22	Requirements for secondary containment, monitoring, etc. for extremely hazardous materials.

TABLE 7.1-1

(CONTINUED)

AFC Section	Jurisdiction	Authority	Administering Agency	Agency Contact*	Requirements/Compliance
Section 5.14, Waste Management and Section 5.15, Hazardous Materials Handling (continued)	Industry	American Institute of Chemical Engineers (AIChE) Center for Chemical Process Safety, 1985 Guidelines.	Office of Emergency Services for Los Angeles County.		These guidelines provide for chemical hazard evaluation procedures.

* Agency Contacts for LORS-Burbank

FEDERAL

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|---|---|
| 1 U.S Fish and Wildlife Service
Kevin Clark, Biologist
2730 Loker Ave. West Suite 4200
Carlsbad, CA 92008-6603
(760) 431-9440 | 2 National Marine Fisheries Service
Bill Hoffman, Biologist
501 W. Ocean Blvd.
Long Beach, CA 90802-4213
(562) 980-4000 |
| 3 US Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-2064 | 4 USDA Natural Resources Conservation
Services
Ron Schultze, State Biologist
430 G Street, #4164
Davis, CA 95616-4164
(530) 792-5656 |

STATE

- | | |
|---|--|
| 5 California Dept. of Fish and Game
Bill Paznokos, Biologist
4949 Viewridge Ave.
San Diego, CA 92123
(858) 467-4218 | 6 California Energy Commission
1516 9 th Street, MS 40
Sacramento, CA 95814-5504
(916) 654-4989 |
| 7 State Water Resources Control Board
Paul Lilibo, Biologist
1001 I Street
P.O Box 4025
Sacramento, CA 95812
(916) 657-1031 | 8 Department of Toxic Substances Control
Adela Weinstein, Hazardous Materials
Specialist
1011 N. Grandview Avenue
Glendale, CA 91201
(818) 551-2171 |
| 9 Caltrans
Larry Tokuyama, Inspector
120 S. Spring St.
Los Angeles, CA 90012
(310) 609-0354 | 10 California Highway Patrol
Officer Stevens
777 W. Washington Blvd.
Los Angeles, CA 90015
(213) 744-2331 |
| 11 Regional Water Quality Control Board
Los Angeles Region
Manjulika Chabrabarti (Groundwater/Waste)
(213) 576-6722
David Hung (NPDES)
(213) 576-6664
Mark Pumford (Stormwater Unit)
(213) 576-6616
320 W. 4 th Street, Suite 200
Los Angeles, CA 90013 | 12 South Coast Air Quality Management
District
John Yee
2185 Copley Drive
Diamond Bar, CA 90810
(909) 396-2468 |

- | | |
|--|---|
| 13 California Division of Mines and Geology
(CDMG)
Jim Divis, State Geologist
801 K Street , MS 12-30
Sacramento, CA 95814
(916) 445-1923 | 14 California Air Resources Board
Mike Tolstrup
Project Assessment Branch
Stationary Source Division
P.O Box 2815
Sacramento, CA 95812 |
| 15 Department of Parks and Recreation
Office of Historic Preservation
P.O Box 942896
Sacramento, CA 94296
(916) 653-6624 | 16 Cal-OSHA/DOSH
10350 Heritage Park Drive, Suite 201
Santa Fe Springs, CA 90670
(562) 944-9360 |
| 17 Native American Heritage Commission
Rob Wood
915 Capitol Mall, Rm. 364
Sacramento, CA 95814
(916) 653-4040 | |

REGIONAL

- | | |
|---|---|
| 18 County of Los Angeles,
Public Works Department
Jo Burton, Permit Engineer
900 S. Fremont Ave.
Alhambra, CA 91803
(626) 458-3126 | 19 Los Angeles County Regional
Planning Department
Lee Stark
320 W. Temple St.
Los Angeles, CA 90012
(213) 974-6467 |
| 20 County of Los Angeles Fire Department
1320 N. Eastern Ave.
Los Angeles, CA 90063 | 21 Los Angeles County Coroner's Office
(Medical Examiner)
Dr. L. Sathyavagiswaran, M.D
1104 N. Mission Road
Los Angeles, CA 90033
(323) 343-0714 |

LOCAL

- | | |
|--|---|
| 22 City of Burbank Fire Department
Devin Burns, Hazmat Inspector
311 E. Orange Grove Blvd.
Burbank CA 91502
(818) 238-3473 | 23 Burbank Community Development
Department Building Division
Calvin Chang, Supervising Plan Check
Engineer
(818) 238-5220
John Cheng, Building Official (Traffic)
(818) 238-5220
275 E. Olive Ave.
Burbank, CA 91502 |
|--|---|

24 City of Burbank, Public Works Department
Brian Henslee, Civil Engineer Associate
(818) 238-3954
Bruce Feng, Public Works Director
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275 E. Olive Ave.
Burbank, CA 91502

25 City of Burbank, Engineering Department
Bonnie Teafor, City Engineer
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26 Burbank Community Development Department
Joel Bryant (Economic Development Analyst)
(818) 238-5271
Joy Tuncay (Principal Planner)
(818) 238-5250
275 E. Olive Ave.
Burbank, CA 91502

27 City of Burbank Redevelopment Division
Ruth Davidson-Guerra
141 N. Glenoaks
Burbank, CA 91510
(818) 238-5180

7.2 NEED FOR FACILITY DEMAND CONFORMANCE

The State of California no longer requires that the project demonstrate compliance with demand conformance requirements. Section 2.0 provides a brief discussion regarding the recent changes in relevant requirements.

7.2.1 Federal Authorities and Administering Agencies

No laws, ordinances, regulations, standards or codes are applicable.

7.2.2 State Authority and Administering Agency

No laws, ordinances, regulations, standards or codes are applicable, although the CEC is expected to consider the project's merits during the licensing process.

7.2.3 Local Authorities and Administering Agencies

No laws, ordinances, regulations, standards or codes are applicable.

7.2.4 Industry Codes and Standards

No laws, ordinances, regulations, standards or codes are applicable.

7.3 PROJECT SITING AND CONSTRUCTION

7.3.1 Engineering Geology

7.3.1.1 Federal Authorities and Administering Agencies

No federal LORS are applicable.

7.3.1.2 State Authorities and Administering Agencies

California Public Resources Code § 25523(a): 20 CCR § 1752(b) and (c). No project components cross an Alquist-Priolo Special Study Zone (APSSZ). The MPP will not be subject to requirements for construction within the APSSZ.

California Building Code (CBC), Appendix Chapter 33. This element sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments. It establishes basic policies to safeguard life, limb, property and public welfare by regulating grading on private property.

The Geotechnical Engineer will address Sections 3309 (Grading Permit Requirements), 3312 (Cuts), 3315 (Drainage and Terracing), 3316 (Erosion Control), 3317 (Grading Inspection), and 3318 (Completion of Work) of the CBC, Appendix Chapter 33. Additionally, the Engineering Geologist will present findings and conclusions pursuant to PRC, Section 25523(a) and 20 CCR, Section 1752(b) and (c). Conformance is discussed in Section 5.3.1.4.

California Building Code 1998, Volume 2, Chapter 16. This element sets forth rules and regulations that address potential seismic hazards.

The administering agency is the COB Community Development Department, Building Division.

7.3.1.3 Local Authorities and Administering Agencies

The project is located in the COB and would be subject to LORS for the COB. The administering agency for the above authority is the COB Building Division of the Community Development Department.

The Geotechnical Engineer and Engineering Geologist will certify the placement of fills and the adequacy of the site for structural improvements in accordance with the CBC, Appendix Chapter 33.

7.3.1.4 Industry Codes and Standards

Unless specifically stated otherwise, applicable codes and industry standards in effect at the time of design related to various geologic and soil features are identified in Section 5.3, Geological Hazards.

7.3.2 Civil and Structural Engineering

Unless specifically stated otherwise, the design of all structures and facilities will be based on the codes, specifications, industry standards and regulations, and other reference documents in effect at the time of design. Applicable codes and industry standards with respect to the project's engineering design criteria, construction and operation are summarized in Section 3.0, Facility Description and Project Location.

7.3.3 Mechanical Engineering

Unless specifically stated otherwise, the design of all structures and facilities will be based on the codes, specifications, industry standards and regulations, and other reference documents in effect at the time of design. Applicable codes and industry standards with respect to the project's mechanical engineering design criteria, construction, and operation are summarized in Section 3.0, Facility Description and Project Location.

7.3.4 Electrical Engineering

Unless specifically stated otherwise, the design of all structures and facilities will be based on the codes, specifications, industry standards and regulations, and other reference documents in effect at the time of design. Applicable codes and industry standards with respect to the project's electrical engineering design criteria, construction and operation are summarized in Section 3.0, Facility Description and Project Location.

7.4 PROJECT DESIGN AND CONSTRUCTION

7.4.1 Power Plant Reliability

The following LORS are applicable to the proposed MPP in the context of power plant reliability and availability, which are addressed in Section 4.0, Safety and Reliability.

7.4.1.1 Federal Authority and Administering Agencies

No laws, ordinances, regulations, standards, or codes are applicable.

7.4.1.2 State Authority and Administering Agencies

No laws, ordinances, regulations, standards, or codes are applicable.

7.4.1.3 Local Authority and Administering Agencies

No laws, ordinances, regulations, standards, or codes are applicable.

7.4.1.4 Industry Codes and Standards

Currently, there are no industry codes or standards that specifically govern power plant reliability. However, industry codes and standards referenced in Section 4.0 address the reliability of various plant components. There are also trade organizations and associations that are generally recognized as authorities and leaders in the field of power plant availability and reliability. Definitions used by these organizations have become generally accepted as a common means of communicating and the data published have been found to be useful. The organizations are:

The Electric Power Resource Institute (EPRI). Copies of reports can be obtained from the Research Reports Center.

3412 Hillview Avenue
Palo Alto, California 94304-1395
Telephone (415) 855-2000

North American Electric Reliability Council (NERC) Research Park:

Princeton Forrestal Village
116-390 Village Blvd
Princeton, New Jersey 08540
Telephone (609) 452-8060.

Yearly and 10-year average data are presented in “Generating Availability Data System Reports.”

7.4.2 Public/Worker Safety and Health Protection

Applicable LORS for Public/Worker Safety and Health Protection are included in Section 7.5.2 (Air Quality). Additional LORS for Worker Safety are addressed below.

7.4.2.1 Federal Authorities and Administering Agencies

Occupational Safety and Health Act of 1970 (OSHA), 29 USC § 651 *et seq.*; 29 CFR §§ 1910 *et seq.*; and 29 CFR § 1926 *et seq.* The authority establishes occupational safety and health standards (§ 1910) (i.e., permissible exposure limits for toxic air contaminants [§ 1910.100], electrical protective equipment requirements [§ 1910.137], electrical workers safety standards [§ 1910.269], and the requirement that information concerning the hazards associated with the use of all chemicals is transmitted from employers to employees [§ 1910.1200]) and safety and health regulations for construction (§ 1926). Subpart I of § 1910 and Subpart E of § 1926 address personal protective equipment.

Under the Operational Status Agreement of October 5, 1989 between the Federal Occupational Safety and Health Administration (OSHA) and the California Department of Industrial Relations, Division of Occupational Safety and Health (DOSH), the state resumed full enforcement responsibility for most of the relevant federal standards and regulations (55 Fed. Reg. 18610 [July 12, 1990]; 29 CFR § 1952.172). The federal OSHA has retained concurrent enforcement jurisdiction with respect to certain federal standards including standards relating to hazardous materials at 29 CFR § 1910.120.

The administering agencies for the above authority are the OSHA and the DOSH (or Cal-OSHA).

Department of Labor, Safety and Health Regulations for Construction Promulgated Under § 333 of the Contract Work Hours and Safety Standards Act, 40 USC 327 *et seq.* The code establishes safety and health regulations for construction. The requirements for this

regulation are all addressed in Title 8 California Code of Regulations, Chapter 4, and Subchapter 4, General Construction Safety Orders.

The administering agencies for the above authority are the OSHA and the DOSH (or Cal-OSHA).

Uniform Fire Code, Article 80. The article includes provisions for storage and handling of hazardous materials. Considerable overlap exists between this Code and Chapter 6.95 of the Health and Safety Code. However, the fire code does contain independent provisions regarding fire protection and neutralization systems for emergency venting (§ 80.303, D, Compressed Gases). Other articles that may be applicable include Article 4, Permits, and Article 79, Flammable and Combustible Liquids.

The administering agency for the above authority is the COB Fire Department.

National Fire Protection Association. Prescribes minimum requirements necessary to establish a reasonable level of fire safety and property protection from the hazards created by fire and explosion. Table 7.4-1 summarizes the NFPA standards that are potentially applicable to the MPP. The standards apply to the manufacture, testing and maintenance of the equipment.

The administering agency for the above authority is the COB Fire Department.

7.4.2.2 State Authorities and Administering Agencies

8 CCR. These authorities prescribe general occupational safety and health regulations and standards in addition to the construction and industrial safety regulations, standards, and orders identified within the engineering categories addressed in Section 5.17, Worker Safety, of this AFC. Applicable sections of 8 CCR, Chapter 4, Subchapter 7 and 24 CCR will be complied with. Topics of concern are provided in Table 7.4-2. Specifically, 8 CCR §§ 1509 (Construction) and 3203 (General Industry) make numerous changes designed to redirect the emphasis of Cal-OSHA towards ensuring that employers have effective work site Illness and Injury Prevention Programs (IIPPs), to focus Cal-OSHA discretionary inspections in the highest hazard industries as determined by worker compensation and other occupational injury data, and to limit the number of follow-up inspections which Cal-OSHA must perform.

The administering agency for the above authority is the Cal-OSHA.

TABLE 7.4-1

**NATIONAL FIRE PROTECTION ASSOCIATION
STANDARDS RELATED TO FIRE AND EXPLOSION HAZARDS**

Standard	Description
NFPA 1	Fire Prevention Code
NFPA 10	Portable Fire Extinguishers
NFPA 12	Carbon Dioxide Extinguishing Systems
NFPA 13	Installation of Sprinkler Systems
NFPA 14	Installation of Standpipe and Hose Systems
NFPA 15	Water Spray Fixed Systems
NFPA 20	Centrifugal Fire Pumps
NFPA 22	Water Tanks for Private Fire Protection
NFPA 24	Private Fire Service Mains and Their Appurtenances
NFPA 25	Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems
NFPA 30	Flammable and Combustible Liquids Code
NFPA 37	Combustion Engines and Gas Turbines
NFPA 50A	Gaseous Hydrogen Systems at Consumer Sites
NFPA 68	Explosion Venting
NFPA 69	Explosion Preventing
NFPA 70	National Electric Code
NFPA 72	National Fire Alarm Code
NFPA 78	Lighting Protection Systems
NFPA 291	Testing and Marking Hydrants
NFPA 496	Purged and Pressurized Enclosures for Electrical Equipment
NFPA 497	Flammable and Combustible Liquids Classification
NFPA 1961	Fire Hose
NFPA 1962	Care, Use and Service Testing of Fire Hose Including Couplings and Nozzles
NFPA 1963	Screws, Threads, and Gaskets for Fire Hose Connections
NFPA 2001	Clean Agent Fire Extinguishing Systems
NFPA 8501	Standard for Single Boiler Operation

California Public Resources Code § 25523 (a); 20 CCR § 1752, 1752.5, 2300-2309, and Division 2, Chapter 5, Article 1, Appendix B, Part (i), California Energy Commission (CEC). This code provides Health Risk Assessment Guidelines to assist in the evaluation of the potential health impacts of a proposed project. The CEC requires the preparation of a quantitative health risk assessment.

The administering agency for the above authority is the CEC.

TABLE 7.4-2

**POTENTIALLY APPLICABLE OCCUPATIONAL SAFETY
AND HEALTH TOPICS PRESCRIBED BY TITLE 8 CCR**

Standard	Description
Occupational Safety and Health Standards 401 – 428	Definitions; Administration Variances Appeals Officers Hearing Board
General Industry Safety Orders; Title 8, Sections 3200 – 6184	Employee/Employer Communications Injury and Illness Prevention Program Emergency Action Plan; Fire Prevention Plan Hazardous Materials Control of Hazardous Substances Hazard Communication Emergency Medical Procedures Personal Protective Equipment Airborne Contaminants Signs, Tags, Barriers Noise Levels Ventilation Flammable/Combustible Materials Handling and Storage Fire Protection Systems Machine Guarding Crane and Hoist Operation Heavy Equipment and Machine Operation Rigging Sanitary Facilities Traffic Safety Interface with other Contractors Miscellaneous Hazards, including hot pipes, compressed air system, relief valves, pipelines, loading docks
General Construction Safety Orders, Title 8, Sections 1500 – 1938	High Voltage Electrical Safety Orders; Construction Accident Prevention Plan Weekly Toolbox Meetings; Traffic Accidents and Earth Moving Hoist Equipment

TABLE 7.4-2
(CONTINUED)

Standard	Description
	Reinforcing Concrete
	Fall Protection and Scaffolding
	Electrical Installations
	Evacuation Plan and Procedures
	Fire Safety
	Airborne Contaminants
	Emergency Medical Procedures
	Personal Protective Equipment
	Hand and Power Tool Use
	Crane and Hoist Operation
	Pile Driving
	Illumination
	Housekeeping
	Excavations
Electrical Safety Orders, Title 8, Sections 2299 – 2974	High Voltage Installation, Operation and Maintenance; Low Voltage Hazards
	High Voltage Hazards

California Health and Safety Code § 25500 to 25541; 19 CCR §§ 2720-2734. This code establishes inventory, reporting, business, and area planning requirements with respect to hazardous and acutely hazardous materials in accordance with the federal Emergency Planning and Community Right-to-Know Act of 1986. Generally, it requires that any business that handles a hazardous material or mixture, in amounts greater than specified thresholds, must establish and implement a business plan for emergency responses to a release or threatened release of the hazardous material or mixture.

The administering agencies for the above authority are the Office of Emergency Services and the Los Angeles County Environmental Health Services Department.

California Clean Air Act, California Health and Safety Code § 39650 et seq. This code mandates the California Air Resources Board (CARB) and the state to establish safe exposure limits for toxic air pollutants and identify pertinent best available control technologies (BACT). It requires that the new source review rule for each air pollution district include regulations that require new or modified procedures for controlling the emission of toxic air contaminants. Pursuant to this code, CARB has developed cancer

potency estimates for several carcinogenic pollutants to use in assessing the carcinogenic risk associated with exposure to these pollutants.

The administering agencies for the above authority are the CARB and the SCAQMD.

California Health and Safety Code, Part 6, § 44300 et seq. This law requires that facilities which emit large quantities of a criteria pollutant and which emit any quantity of a toxic contaminant provide the local Air Pollution Control District an inventory of toxic emissions. Such facilities may also be required to prepare a quantitative health risk assessment.

The administering agencies for the above authority are the CARB and the SCAQMD.

7.4.2.3 Local Authorities and Administering Agencies

No local authorities were identified.

7.4.2.4 Industry Codes and Standards

Several industry codes and trade association standards exist that may be applicable to the MPP to assure worker safety and health. Table 7.4-3 provides a listing of potentially applicable industry codes and standards. Typically, the codes and standards are requirements for the manufacturers of the facility equipment.

7.4.3 Transmission Line Safety and Nuisance

Applicable LORS pertaining to transmission line safety and nuisance address aviation safety and communications interferences as they relate to the transmission line routes. These are listed in Table 7.1-1. LORS addressing hazard prevention (i.e., fire hazard, hazardous shock, nuisance shock, and noise) are covered under Section 7.3 Project Siting, Design, and Construction; Section 7.4.2, Public/Worker Safety and Health Protection; and Section 7.5.12, Noise.

7.4.4 Pipelines

7.4.4.1 Federal Authorities and Administering Agencies

Any necessary changes to the existing gas supply pipeline will be designed in accordance with U.S. Department of Transportation. No additional laws, ordinances, regulations or standards would be applicable beyond those presented above in Sections 7.4.2.2 through 7.4.2.4.

TABLE 7.4-3
POTENTIALLY APPLICABLE INDUSTRY CODES AND STANDARDS

American Association of State Highway Officials (AASHO)
American Institute of Steel Construction (AISC) Specifications
American National Standards Institute (ANSI)
American Petroleum Institute (API)
American Society for Testing and Materials (ASTM)
American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE)
American Society of Nondestructive Testing (ASNT)
American Society of Mechanical Engineering (ASME)
American Water Works Association (AWWA)
American Welding Society (AWS)
Asphalt Institute, Pacific Coast Division
California Building Code (CBC)
California State Fire Marshall (CSFM)
Heat Exchanger Institute
Hydraulic Institute Standards
Institute of Electrical and Electronic Engineers (IEEE)
Instrument Society of America (ISA)
National Association of Corrosion Engineers (NACE)
Standards of Tubular Exchanger Manufacturers Association (TEMA)
Steel Structures Painting Council Standards (SSPC)
Underwriters Laboratories (UL)
Uniform Building Code (UBC)
Uniform Fire Code (UFC)
Uniform Mechanical Code (UMC)
Uniform Plumbing Code (UPC)

7.4.4.2 State Authorities and Administering Agencies

Any changes, if necessary, to the existing water supply or wastewater discharge pipelines would be designed in accordance with state and local requirements under the jurisdiction the Regional Water Quality Control Board or the Environmental Protection Agency. See Section 7.5.5.2 for additional discussion of the Water Quality Control Act and waste discharge requirements and Section 7.4.2.2 for discussion of safety and health regulations and standards.

7.4.4.3 Local Authorities and Administering Agencies

No local authorities were identified.

7.4.4.4 Industry Codes and Standards

ANSI/AWWA C151/A21.51. Mechanical, structural, and electrical and instrumentation construction must conform to these standards and related specifications for pipeline materials, construction fittings, and gaskets. In addition to these standards, the manufacturer's recommendations should be the minimum standards applied.

Design codes that will be applied to the mechanical and hydraulic design of the pipelines include those of the Hydraulic Institute Standards, the American Water Works Association (AWWA), American National Standards Institute (ANSI), American Society of Civil Engineers (ASCE), and American Society for Testing Materials (ASTM), American Society of Mechanical Engineers (ASME), and the National Association of Corrosion Engineers (NACE).

7.5 ENVIRONMENTAL INFORMATION

7.5.1 Introduction

This section provides a brief description of LORS that may be applicable to the MPP. The LORS are presented in the same order as the resource discussions in Chapter 5.0. Table 7.1-1 provides a summary of this information.

7.5.2 Air Quality

The following LORS related to air quality issues are applicable to the proposed project.

7.5.2.1 Federal Authorities and Administering Agencies

The EPA implements and enforces the requirements of many of the federal environmental laws. EPA Region IX, which has its offices in San Francisco, administers EPA programs in California.

The federal CAA, as most recently amended in 1990, provides the EPA with the legal authority to regulate air pollution from stationary sources such as the MPP. The EPA has promulgated the following stationary source regulatory programs to implement the requirements of the CAA:

- Standards of Performance for New Stationary Sources (NSPS)
- National Emission Standards for Hazardous Air Pollutants (NESHAP)
- Prevention of Significant Deterioration (PSD)
- New Source Review (NSR)
- Title IV: Acid Deposition Control
- Title V: Operating Permits.

National Standards of Performance for New Stationary Sources.

CAA §111, 42 USC §7411; 40 CFR Part 60 Subparts Da and GG. Establishes standards of performance to limit the emission of criteria pollutants (air pollutants for which the EPA has established national ambient air quality standards [NAAQS]) from new or modified facilities in specific source categories. The applicability of these regulations depends on the equipment size; process rate; and/or the date of construction, modification, or reconstruction of the affected facility. The Standards of Performance for Electric Utility Steam Generating Units (Subpart Da) are applicable to the HRSG. The Standards of Performance for Stationary Gas Turbines (Subpart GG) - which limit NO_x and SO₂ emissions

from subject equipment - are applicable to the gas turbines. These standards are implemented at the local level with federal oversight.

The administering agency is the SCAQMD, with EPA Region IX oversight.

National Emission Standards for Hazardous Air Pollutants.

CAA §112, 42 USC §7412; 40 CFR Part 63. Establishes national emission standards to limit hazardous air pollutant (or HAP, which are air pollutants identified by the EPA as causing or contributing to the adverse health effects of air pollution but for which NAAQS have not been established) emissions from existing major sources of HAP emissions in specific source categories. The NESHAP program also requires the application of maximum achievable control technology (MACT) to any new or reconstructed major source of HAP emissions to minimize those emissions. The EPA is in the process of developing a NESHAP for gas turbines, which is expected to be completed in the near future. While there is some uncertainty as to whether the gas turbine NESHAP will be applicable to the MPP due to the exemption from MACT standards for electric utility steam generating units, an analysis of the potential impacts of this regulation on the project is included.

The administering agency is the SCAQMD, with EPA Region IX oversight.

Prevention of Significant Deterioration Program.

CAA §160-169A, 42 USC §7470-7491; 40 CFR Parts 51 and 52. Requires pre-construction review and permitting of new or modified major stationary sources of air pollution to prevent significant deterioration of ambient air quality. PSD applies only to pollutants for which ambient concentrations do not exceed the corresponding NAAQS (i.e., attainment pollutants). The PSD program allows new sources of air pollution to be constructed, or existing sources to be modified, while preserving the existing ambient air quality levels, protecting public health and welfare, and protecting Class I areas (e.g., national parks and wilderness areas). These requirements are implemented at the local level with federal oversight.

The administering agency is the SCAQMD, with EPA Region IX oversight.

New Source Review.

CAA §171-193, 42 USC §7501 et seq.; 40 CFR Parts 51 and 52. Requires pre-construction review and permitting of new or modified major stationary sources of air pollution to allow industrial growth without interfering with the attainment of ambient quality standards. NSR applies to pollutants for which ambient concentrations exceed the

corresponding NAAQS (i.e., non-attainment pollutants). These requirements are implemented at the local level with federal oversight.

The administering agency is the SCAQMD, with EPA Region IX oversight.

Title IV - Acid Rain Program.

CAA §401, 42 USC §7651 et seq.; 40 CFR Part 72. Requires the monitoring and reduction of emissions of acidic compounds and their precursors. The principal source of these compounds is the combustion of fossil fuels. Title IV established national standards to limit SO_x and NO_x emissions from electrical power generating facilities. These standards are implemented at the local level with federal oversight.

The administering agency is the SCAQMD, with EPA Region IX oversight.

Title V - Operating Permits Program.

CAA § 501 (Title V), 42 USC §7661; 40 CFR Part 70. Requires the issuance of operating permits that identify all applicable federal performance, operating, monitoring, recordkeeping, and reporting requirements. Title V applies to major facilities, acid rain facilities, subject solid waste incinerator facilities, and any facility listed by the EPA as requiring a Title V permit. These requirements are implemented at the local level with federal oversight.

The administering agency is the SCAQMD, with EPA Region IX oversight.

CAM Rule.

CAA § 501 (Title V), 42 USC §7414; 40 CFR Part 64. Requires facilities to monitor the operation and maintenance of emissions control systems and report any control system malfunctions to the appropriate regulatory agency. If an emissions control system is not working properly, the Compliance Assurance Monitoring (CAM) rule also requires a facility to take action to correct the control system malfunction. The CAM rule applies to emissions units with uncontrolled potential to emit levels greater than applicable major source thresholds. However, emission control systems governed by Title V operating permits requiring continuous compliance determination methods are exempt from the CAM rule. Since the project will be issued a Title V permit requiring the installation and operation of continuous emissions monitoring systems, the MPP will qualify for this exemption from the requirements of the CAM rule. Consequently, the CAM rule will not be addressed further.

The administering agency is the SCAQMD, with EPA Region IX oversight.

Toxic Release Inventory Program.

Emergency Planning and Community Right-to-Know Act (EPCRA) § 313. Under the EPCRA, certain facilities and establishments must report toxic releases to the environment if they:

- Manufacture more than 25,000 pounds of a listed chemical per year
- Process more than 25,000 pounds of a listed chemical per year, or
- Otherwise use more than 10,000 pounds of a listed chemical per year.

This program is commonly referred to as the Toxic Chemical Release Inventory (TRI). As applied to electric utilities, only those facilities in Standard Industrial Classification (SIC) Codes 4911, 4931, and 4939 that combust coal and/or oil for the purpose of generating electricity for distribution in commerce must report under this regulation. The MPP falls under SIC Code 4911, which covers establishments engaged in the generation, transmission, and/or distribution of electric energy for sale. However, the MPP will not combust coal and/or oil for the purpose of generating electricity for distribution in commerce. Accordingly, this program does not apply to the MPP. Therefore, the TRI program will not be addressed further.

The administering agency is the EPA Region IX.

7.5.2.2 State Authorities and Administering Agencies

The CARB was created in 1968 by the Mulford-Carrell Air Resources Act, through the merger of two other state agencies. The CARB's primary responsibilities are to develop, adopt, implement, and enforce the state's motor vehicle pollution control program; to administer and coordinate the state's air pollution research program; to adopt and update, as necessary, the state's ambient air quality standards (AAQS); to review the operations of the local air pollution control districts (APCDs); and to review and coordinate preparation of the State Implementation Plan (SIP) for achievement of the federal AAQS.

State Implementation Plan.

Health & Safety Code (H&SC) §39500 et seq. Required by the federal CAA, the SIP must demonstrate the means by which all areas of the state will attain NAAQS within the federally mandated deadlines. CARB reviews and coordinates preparation of the SIP. Local APCDs must adopt new rules (and/or revise existing rules) and demonstrate that the resulting emission reductions, in conjunction with reductions in mobile source emissions, will result in

the attainment of NAAQS. The relevant SCAQMD Rules and Regulations that have also been incorporated into the SIP are discussed with the local LORS.

The administering agency is the SCAQMD, with CARB and EPA Region IX oversight.

California Clean Air Act (CCAA).

H&SC §40910 – 40930. Established in 1989, the CCAA requires local APCDs to attain and maintain both national and state AAQS at the “earliest practicable date.” Local APCDs must prepare air quality plans demonstrating the means by which AAQS will be attained. The SCAQMD Air Quality Plan is discussed with the local LORS.

The administering agency is the SCAQMD, with CARB oversight.

Toxic Air Contaminant Program.

H&SC §39650 – 39675. Established in 1983, the Toxic Air Contaminant Identification and Control Act creates a two-step process to identify toxic air contaminants (TACs) and control their emissions. CARB identifies and prioritizes the pollutants to be considered for identification as TACs. CARB assesses the potential for human exposure to a substance while the Office of Environmental Health Hazard Assessment evaluates the corresponding health effects. Both agencies collaborate in the preparation of a risk assessment report that concludes whether a substance poses a significant health risk and should be identified as a TAC. In 1993, the Legislature amended the program to identify the 189 federal hazardous air pollutants as TACs. CARB reviews the emission sources of an identified TAC and develops, if necessary, air toxics control measures (ATCMs) to reduce the emissions. This program is implemented at the local level with state oversight.

The administering agency is the SCAQMD, with CARB oversight.

Air Toxic “Hot Spots” Act.

CA H&SC Code §44300-44384; 17 CCR §93300-93347. Established in 1987, the Air Toxics “Hot Spots” Information and Assessment Act supplements the TAC program by requiring the development of a statewide inventory of TAC emissions from stationary sources. The program requires affected facilities to prepare (1) an emissions inventory plan that identifies relevant TAC and sources of TAC emissions; (2) an emissions inventory report quantifying TAC emissions; and (3) a health risk assessment, if necessary, to characterize the health risks to the exposed public. Facilities whose TAC emissions are deemed to pose a significant health risk must issue notices to the exposed population. In 1992, the Legislature amended the program to further require facilities whose TAC emissions are deemed to pose a

significant health risk to implement risk management plans to reduce the associated health risks. This program is implemented at the local level with state oversight.

The administering agency is the SCAQMD, with CARB oversight.

CEC and CARB Memorandum of Understanding.

CA Pub. Res. Code § 25523(a); 20 CCR §1752, 1752.5, 2300-2309, and Div. 2, Chap. 5, Art. 1, Appendix B, Part (k). This law establishes requirements in the CEC's decision-making process on an Application for Certification that assures protection of environmental quality.

The administering agency is the CEC.

Public Nuisance.

CA H&SC Code § 41700. Prohibits the discharge from a facility of air pollutants that cause injury, detriment, nuisance, or annoyance to the public, or which endanger the comfort, repose, health, or safety of the public, or that damage business or property.

The administering agency is the SCAQMD, with CARB oversight.

7.5.2.3 Local Authorities and Administering Agencies

When the State's air pollution statutes were reorganized in the mid-1960s, local APCDs were required to be established in each county of the state. There are three different types of districts: county, regional, and unified. In addition, special air quality management districts (AQMDs), with more comprehensive authority over non-vehicular sources as well as transportation and other regional planning responsibilities, have been established by the Legislature for several regions in California, including the SCAQMD. AQMDs have principal responsibility for developing plans for meeting the state and federal AAQS; for developing control measures for non-vehicular sources of air pollution necessary to achieve and maintain both state and federal air quality standards; for implementing permit programs established for the construction, modification, and operation of sources of air pollution; for enforcing air pollution statutes and regulations governing non-vehicular sources; and for developing employer-based trip reduction programs.

South Coast Air Quality Management District Air Quality Plan.

H&SC §40914. The SCAQMD plan defines the proposed strategies, including stationary source control measures and new source review rules, whose implementation will attain the

state AAQS. The air quality plans also demonstrate a five percent annual reduction in emissions of non-attainment pollutants in the SCAQMD. The relevant stationary source control measures and new source review requirements are discussed with SCAQMD Rules and Regulations.

The administering agency is the SCAQMD, with CARB oversight.

SCAQMD Rule 201 - Permit to Construct.

H&SC §40000 et seq., H&SC §40400 et seq. Rule 201 (Permit to Construct) establishes an orderly procedure for the review of new and modified sources of air pollution through the issuance of permits. Rule 201 specifies that any facility installing nonexempt equipment that causes or controls the emission of air pollutants must first obtain a Permit to Construct from the SCAQMD.

The administering agency is the SCAQMD with EPA Region IX and CARB oversight.

SCAQMD Pre-construction Review for Criteria Pollutants.

H&SC §40000 et seq., H&SC §40400 et seq. SCAQMD has three separate pre-construction review programs for new or modified sources of criteria pollutant emissions:

- Regulation XIII (New Source Review) combines the federal and state NSR requirements into a single rule. Regulation XIII establishes pre-construction requirements for new or modified facilities to ensure that operation of such facilities does not interfere with progress toward the attainment of AAQS without unnecessarily restricting economic growth. For RECLAIM facilities, this rule only applies to those non-attainment pollutants, or their precursors, not regulated under the RECLAIM program. Since the MPP is an existing RECLAIM facility for NO_x, non-attainment pollutant provisions for NO_x are addressed under Rule 2005, and not under Regulation XIII.
- Regulation XVII (Prevention of Significant Deterioration) implements the PSD requirements of the federal CAA for attainment pollutants (i.e., NO₂ and SO₂). Regulation XVII establishes pre-construction review requirements for new or modified facilities to ensure that operation of such facilities does not significantly deteriorate air quality in attainment areas while maintaining a margin for future growth. The PSD requirements apply on a pollutant-specific basis to any project that is a new major stationary source or a major modification to an existing major stationary source. The SCAQMD classifies fossil fuel-fired steam electric plants with heat input ratings exceeding 250 MMBtu/hr that emit or have the potential to emit 25 tons per year (tpy) or more of NO_x or SO_x as major stationary sources. NO_x or SO_x emissions from a modified

major source are subject to PSD if the cumulative emission increases for each pollutant exceeds 25 tpy. The net emission increase associated with the installation of the new equipment is above 25 tpy for NO_x and below 25 tpy for SO_x; therefore the project will trigger PSD requirements for NO_x but not for SO_x. While the SCAQMD recently revised Regulation XVII, because the EPA has not yet re-delegated the PSD program to the SCAQMD based on the revised rule, the older version of Regulation XVII is used in this document.

- Rule 2005 (New Source Review for RECLAIM) integrates the new source review requirements of the federal and CCAAs with the SCAQMD's RECLAIM program. Rule 2005 establishes pre-construction requirements for new or modified RECLAIM facilities to ensure that operation of such facilities does not interfere with progress towards the attainment of AAQS without unnecessarily restricting economic growth. RECLAIM is a market incentive program designed to allow facilities flexibility in achieving emission reduction requirements for NO_x and SO_x using methods that include add-on emission controls, equipment modifications, reformulated products, operational changes, shutdowns, and the purchase of excess emission reductions. Since the existing MPP is a NO_x RECLAIM facility, the project will be subject to the NO_x new source review requirements of Rule 2005. The existing facility and proposed addition of new equipment to the facility will not be subject to the SO_x new source review requirements of Rule 2005 because the RECLAIM program does not include SO_x emissions from natural gas combustion equipment for applicability purposes.

A facility can be subject to more than one of these pre-construction review programs depending on the type of criteria pollutants and criteria pollutant precursor they will emit. The relevant criteria pollutants and precursors are summarized in Table 7.5-1. A criteria pollutant (e.g., NO_x) can be subject to both non-attainment (i.e., NSR) and attainment (i.e., PSD) pre-construction review programs if it is an attainment pollutant while another secondary pollutant (e.g., ozone for NO_x) is a non-attainment pollutant. A new or modified facility can be subject to the elements of all three programs as shown in Table 7.5-2.

TABLE 7.5-1

CRITERIA POLLUTANT PRECURSORS

Criteria Pollutant	Precursor
Ozone	VOCs, NO _x , SO _x
NO ₂	NO _x
SO ₂	SO _x
Sulfate	SO _x
PM ₁₀	VOCs, NO _x , SO _x

TABLE 7.5-2

PRECONSTRUCTION REVIEW ELEMENTS FOR CRITERIA POLLUTANTS

Element	Regulation XIII New Source Review	Rule 2005 New Source Review for RECLAIM	Regulation XVII Prevention of Significant Deterioration
Pre-construction Air Quality Monitoring	-	-	NO ₂ , SO ₂
Best Available Control Technology (BACT)	CO, PM ₁₀ , VOCs, SO _x , NH ₃	NO _x	NO _x , SO _x
Emission Offsets	CO, PM ₁₀ , VOCs, SO _x	NO _x	-
Air Quality Impact Analysis	CO, PM ₁₀ , VOCs, SO _x	NO _x	NO _x , SO _x
Protection of Class I Areas	CO, PM ₁₀ , SO _x , Sulfate	NO _x	NO _x , SO _x
Visibility, Soils, and Vegetation Impact Analysis	PM ₁₀ , SO _x	NO _x	NO _x , SO _x

Pre-construction Air Quality Monitoring. The SCAQMD may, at its discretion, require pre-construction ambient air quality monitoring. Pre-construction monitoring data must be gathered over a one-year period to characterize local ambient air quality. SCAQMD may approve a shorter monitoring period of maximum anticipated ambient concentration.

Best Available Control Technology (BACT). BACT must be applied to any new or modified source resulting in an increase in criteria pollutant, ozone depleting compound, or ammonia emissions. The SCAQMD defines BACT as the following unless the limitations are demonstrated to be unachievable:

- Most stringent emission limitation achieved in practice by a control device or technique for that category or class of source
- Any control device or technique determined to be technologically feasible and cost-effective, or
- Most stringent emission limitation on a comparable emission source contained in any approved SIP (i.e., cannot be less stringent than the emission control required by any applicable federal, state, or SCAQMD laws, rules, or regulations).

Emission Offsets. For a new or modified facility located in SCAQMD Zone 1 (as is the MPP), sufficient emission reduction credits (ERCs) must be provided to offset the increase in CO, PM₁₀, SO_x, and VOC emissions at a 1.2:1 offset ratio.

For a new or modified facility located in SCAQMD Zone 1 (as is the MPP), sufficient RECLAIM Trading Credits (RTCs) must be provided to offset the annual increase in NO_x emissions for the first year of operation at a 1:1 offset ratio.

Emission offsets are discussed in Section 5.2.3.2 of this document.

Air Quality Impact Analysis. An air quality dispersion analysis must be conducted, using a mass emissions-based screening analysis contained in the rule or an approved dispersion model, to evaluate the impacts on ambient air quality of increased criteria pollutant emissions from any new or modified facility. Project emissions must not cause a significant increase in ambient non-attainment pollutant concentrations as defined by the levels shown in Table 7.5-3.

TABLE 7.5-3
SCAQMD SIGNIFICANCE THRESHOLDS FOR
AMBIENT NON-ATTAINMENT POLLUTANT¹ CONCENTRATIONS

Pollutant	Averaging Period	Most Stringent Ambient Air Quality Standard	SCAQMD Significant Increase
NO ₂ ⁽²⁾	1-Hour	500 ug/m ³	20 ug/m ³
	Annual	100 ug/m ³	1 ug/m ³
CO	1-Hour	23,000 ug/m ³	1,100 ug/m ³
	8-Hour	10,000 ug/m ³	500 ug/m ³
PM ₁₀	24-Hour	50 ug/m ³	2.5 ug/m ³
Sulfate ⁽³⁾	Annual	30 ug/m ³	1 ug/m ³
	24-Hour	25 ug/m ³	1 ug/m ³

¹ Including non-attainment pollutant precursors.

² Precursor to non-attainment pollutants ozone and PM₁₀.

³ Precursor to non-attainment pollutant PM₁₀.

An air quality dispersion analysis must also be conducted using an approved dispersion model, to evaluate the impacts on ambient air quality of significant PSD increases of NO_x and SO_x emissions from any new or modified major stationary source. Project emissions must not cause an exceedance of any AAQS and the increase in ambient air concentrations must not exceed the allowable increments shown in Table 7.5-4.

Protection of Class I Areas. A modeling analysis must be conducted to assess the impacts of project emissions on visibility in nearby Class I areas if the increase in NO_x and PM₁₀ emissions exceeds 25 tpy or 15 tpy, respectively. The increase in ambient air quality

TABLE 7.5-4**PSD CLASS II INCREMENTS**

Pollutant	Averaging Period	Allowable Increment ($\mu\text{g}/\text{m}^3$)
NO ₂	Annual	25
SO ₂	3-hour	512
	24 -hour	91
	Annual	20

concentrations for the PSD attainment pollutants (i.e., NO_x and SO_x) within the nearest Class I area must also be characterized if there is a significant emission increase associated with the new or modified major source.

Visibility, Soils, and Vegetation Impacts. Impairment to visibility, soils, and vegetation resulting from NO_x or SO_x emissions as well as associated commercial, residential, industrial, and other growth must be analyzed. Cumulative impacts to local ambient air quality must also be analyzed.

The administering agency is the SCAQMD with EPA Region IX and CARB oversight.

SCAQMD Rule 1401 - New Source Review of Toxic Air Contaminants.

H&SC §40000 et seq., H&SC §40400 et seq. Rule 1401 (New Source Review of Toxic Air Contaminants) establishes allowable risks for new or modified sources of TAC emissions. Rule 1401 specifies limits for maximum individual cancer risk (MICR), cancer burden, and non-carcinogenic acute and chronic hazard indices (HIs) for new or modified sources of TAC emissions. While Rule 1401 does not specifically require the application of best available control technology for toxics (T-BACT) to any new or modified source that emits carcinogenic TACs, the rule relaxes the MICR risk threshold when T-BACT is applied. The health risks resulting from project emissions, as demonstrated with a risk assessment, must not exceed the risk thresholds shown in Table 7.5-5.

The administering agency is the SCAQMD.

TABLE 7.5-5

HEALTH RISK THRESHOLDS

Risk Criteria	Risk Threshold
MICR (w/o T-BACT)	1×10^{-6}
MICR (w/ T-BACT)	10×10^{-6}
Cancer Burden	0.5
Chronic HI	1
Acute HI	1

SCAQMD Rule 475 –Electric Power Generating Equipment, Part (a) New Equipment.

H&SC §40000 et seq., H&SC §40400 et seq. Rule 475 (Electric Power Generating Equipment) establishes discharge limits for existing generating equipment with a capacity of greater than 10 net MW used to produce electric power, for which a permit to build erect install or expand is required after May 7, 1976. The discharge limits for applicable equipment, both of which shall not be exceeded, are 5 kgs (11 lbs) per hour and 23 mg/m³ (0.01gr/SCF) calculated at three percent O₂ dry, over 15 minutes (or any other averaging time specified by the Executive Officer). The provisions of this rule do not apply to replacement equipment at any location which discharges 50 percent or less of the mass amount of oxides of nitrogen discharged by the equipment which it replaces, provided the emission of combustion contaminants does not exceed 115 mg/m³ (0.05 gr/SCF). Rule 475 also provides that the minimum number of primary and ancillary equipment is used in the generation of electric power. This rule cannot be used as a reason to avert maintenance, alteration or modification of equipment that will not result in an increase in the mass emission rate of air contaminants.

SCAQMD Regulation XXX - Federal Operating Permit.

H&SC §40000 et seq., H&SC §40400 et seq. Regulation XXX (Title V Permits) provides for the issuance of federal operating permits that contain all federally enforceable requirements for stationary sources as mandated by Title V of the CAA. Regulation XXX requires major facilities and acid rain facilities undergoing modifications to obtain an operating permit containing the federally enforceable requirements mandated by Title V of the CAA. A facility shall not construct, modify, or operate equipment at a Title V facility without first obtaining a permit revision that allows such construction, modification, or operation. An application must be submitted to the SCAQMD that presents all information necessary to evaluate the subject facility and determine the applicability of all regulatory requirements.

The administering agency is the SCAQMD with EPA Region IX oversight.

SCAQMD Regulation XXXI - Acid Rain Permit.

H&SC §40000 et seq., H&SC §40400 et seq. Regulation XXXI (Acid Rain Permit Program) provides for the issuance of acid rain permits in accordance with Title IV of the CAA. Regulation XXXI requires a subject facility to hold emissions allowances for SO_x, and to monitor SO_x, NO_x, and CO₂ emissions and exhaust gas flow rates (monitoring of operating parameters such as fuel use and fuel constituents is an allowable alternative to exhaust CEM systems). An acid rain facility, such as the MPP, must also obtain an acid rain permit as mandated by Title IV of the CAA. A permit application must be submitted to the SCAQMD at least 24 months before operation of the new units commence. The application must present all relevant sources at the facility, a compliance plan for each unit, applicable standards, and estimated commencement date of operation.

The administering agency is the SCAQMD with EPA Region IX oversight.

SCAQMD Regulation IX- Standards of Performance for New Stationary Sources.

H&SC §40000 et seq., H&SC §40400 et seq. Regulation IX (Standards of Performance for New Stationary Sources) incorporates, by reference, the provisions of Part 60, Chapter I, Title 40 of the Code of Federal Regulations. Regulation IX requires compliance with federal Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units and Stationary Gas Turbines.

Subpart Da (Standards of Performance for Electric Utility Steam Generating Units) applies to steam generating units with a heat input at peak load greater than 250 MMBtu/hr at the higher heating value.

Subpart GG (Standards of Performance for Stationary Gas Turbines) applies to gas turbines with a heat input at peak load equal to or greater than 10.7 gigajoules per hour (Gj/hr), or 10.15 MMBtu/hr, at the higher heating value. The NSPS limits the sulfur content of fuel to 0.8 percent. The NSPS also limits NO_x emissions as determined by the following equation:

$$\text{STD} = \frac{0.0150 (14.4)}{Y} + F$$

where:

STD = allowable NO_x emissions (percent by volume at 15% O₂ on a dry basis)

Y = manufacturer's rated heat rate at peak load (kilojoules per watt hour)

F = NO_x emission allowance for fuel-bound nitrogen (assumed to be zero for natural gas).

The administering agency is the SCAQMD with EPA Region IX oversight.

SCAQMD Prohibitory Rules.

H&SC §40000 et seq., H&SC §40400 et seq., indicated SCAQMD Rules. Relevant local prohibitory rules of the SCAQMD include the following:

- **Rule 401 - Visible Emissions:** Establishes limits for visible emissions from stationary sources. Rule 401 prohibits visible emissions as dark or darker than Ringelmann No. 1 for periods greater than three minutes in any hour.
- **Rule 402 - Nuisance:** Prohibits the discharge from a facility of air pollutants that cause injury, detriment, nuisance, or annoyance to the public, or that damage business or property.
- **Rule 403 - Fugitive Dust:** Establishes requirements to reduce the amount of PM entrained in the ambient air as a result of man-made fugitive dust sources. Rule 403 requires the implementation of best available control measures to minimize fugitive dust emissions and prohibits visible dust emissions beyond the property line, a 50 µg/m³ incremental increase in PM₁₀ concentrations across a facility (as measured by upwind and downwind concentrations), and track-out of bulk material onto public, paved roadways.
- **Rule 407 - Liquid and Gaseous Air Contaminants:** Establishes limits for CO and SO_x emissions from stationary sources. Rule 407 prohibits CO and SO_x emissions in excess of 2,000 ppm and 500 ppm, respectively, from any source. Stationary internal combustion reciprocating engines are exempt from this rule. In addition, equipment that complies with the requirements of Rule 431.1 is exempt from the SO_x limit. Since the facility will comply with Rule 431.1, the SO_x provisions of Rule 407 will not be addressed further.
- **Rule 409 - Combustion Contaminants:** Establishes limits for particulate emissions from fuel combustion sources. Rule 409 prohibits particulate emissions in excess of 0.1 grains per cubic foot of gas at 12 percent CO₂ at standard conditions. The provisions of this rule do not apply to stationary internal combustion reciprocating engines.
- **Rule 431.1 - Sulfur Content of Gaseous Fuels:** Establishes limits for the sulfur content of gaseous fuels to reduce SO_x emissions from stationary combustion sources. Rule 431.1 limits the sulfur content of natural gas to 16 ppmv.

- Rule 431.2 - Sulfur Content of Liquid Fuels: Establishes limits for the sulfur content of liquid fuels to reduce SO_x emissions from stationary combustion sources. Rule 431.2 limits the sulfur content of diesel fuel to 0.05 percent by weight.
- Rule 474 - Fuel Burning Equipment - Oxides of Nitrogen: Establishes limits for emissions of NO_x from stationary combustion sources. However, NO_x RECLAIM facilities are exempt from the provisions of Rule 474. Since the MPP is also a NO_x RECLAIM facility, Rule 474 is not applicable to the MPP and will not be addressed further.
- Rule 475 - Electric Power Generating Equipment: Establishes limits for combustion contaminant (i.e., PM) emissions from subject equipment. Rule 475 prohibits PM emissions in excess of 11 lbs/hr (per emission unit) or 0.01 grains per dry standard cubic foot (gr/dscf) at three percent O₂. These provisions do not apply to replacement equipment if such equipment reduces NO_x emissions by at least 50 percent provided that PM emissions do not exceed 0.05 gr/scf.
- Rule 476 - Steam Generating Equipment: Establishes limits for emissions of NO_x and combustion contaminants (i.e., PM) from subject equipment. However, NO_x RECLAIM facilities are exempt from the NO_x provisions of Rule 476. Furthermore, the PM provisions of Rule 476 are superseded by those of Rule 475. Therefore, Rule 476 is not applicable to the MPP and will not be addressed further.
- Rule 53A - Specific Contaminants: Establishes limits for emissions of sulfur compounds (i.e., SO_x) and combustion contaminants (i.e., PM) from stationary sources. Rule 53A prohibits SO_x and PM emissions in excess of 500 ppm and 0.1 gr/dscf at 12 percent CO₂, respectively.
- Rule 1110.2 - Emissions from Stationary Internal Combustion Engines: Establishes limits for emissions of NO_x, VOC, and CO from the stationary internal combustion reciprocating engines. However, emergency standby engines that operate less than 200 hours per year are exempt from this regulation. Since the fire pump engine will be limited to operating less than 200 hours per year, it will be exempt from this regulation. Therefore, Rule 1110.2 is not applicable to the MPP and will not be addressed further.
- Rule 1134 - Emissions of Oxides of Nitrogen from Stationary Gas Turbines: Establishes limits for emissions of NO_x from the stationary gas turbines. However, NO_x RECLAIM facilities are exempt from the provisions of Rule 1134. Therefore, Rule 1134 is not applicable to the MPP and will not be addressed further.

- Rule 1135 - Emissions of Oxides of Nitrogen from Electric Power Generating Systems: Establishes limits for emissions of NO_x from electricity generating systems. However, NO_x RECLAIM facilities are exempt from the provisions of Rule 1135. Therefore, Rule 1135 is not applicable to the MPP and will not be addressed further.
- Rule 1146 - Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters: Establishes limits for emissions of NO_x and CO from industrial, institutional, and commercial steam generating units. However, boilers used to generate electricity are exempt from the regulation. Therefore, Rule 1146 is not applicable to the MPP and will not be addressed further.

The administering agency is the SCAQMD with EPA Region IX and CARB oversight.

7.5.3 Geological Hazards and Resources

LORS pertaining to geological hazards and resources are discussed in Engineering Geology, Section 7.3.1.

7.5.4 Agriculture and Soils

The proposed MPP will be constructed and operated in accordance with all laws, ordinances, regulations and standards applicable to agriculture and soils, as discussed below.

7.5.4.1 Federal Authorities and Administering Agencies

The Federal Water Pollution Control Act of 1972; Clean Water Act of 1977 (including its 1987 amendments). These authorities establish requirements for any facility or activity which has or which will discharge wastes (including sediment due to accelerated erosion) that may interfere with the beneficial uses of receiving waters by using National Pollutant Discharge Elimination System (NPDES) permits and pretreatment standards. At the state level, the RWQCB issues these permits, but the EPA may retain jurisdiction at its discretion. The CWA's primary effect on the proposed project is with respect to the limited soil erosion that may occur during construction.

The administering agency for the above authority is the Los Angeles Region RWQCB, under the direction of the SWRCB.

US Department of Agriculture, Soil Conservation Service (SCS), *National Engineering Handbook* (1983), Sections 2 and 3. The US Department of Agriculture prescribes standards of technical excellence for the SCS, now called the Natural Resources Conservation Service (NRCS), for the planning, design, and construction of soil conservation practices.

The administering agency for the above authority is the NRCS.

7.5.4.2 State Authorities and Administering Agencies

California Public Resources Code § 25523(a); CCR §§ 1752, 1752.5, 2300-2309, and Chapter 2, Subchapter 5, Article 1, Appendix B, Part (i). The Act provides for protection of environmental quality. With respect to the MPP, the Act requires submission of information to the CEC concerning potential environmental impacts, and the CEC's decision on the AFC must include consideration of environmental protection.

The administering agency for the above authority is the CEC.

California Environmental Quality Act, California Public Resources Code § 21000 et. seq.; Guidelines for Implementation of the California Environmental Quality Act of 1970, 14 CCR § 15000 - 15387, Appendix G. The CEQA guidelines specify that: "A project will normally have a significant effect on the environment if it will ...[(¶)] (q) Cause substantial flooding, erosion or siltation; ...[(¶)](y) Convert prime agricultural land to non-agricultural use or impair the agricultural productivity of prime agricultural lands."

The administering agency for the above authority is the CEC.

The California Porter-Cologne Water Quality Control Act of 1972; California Water Code, § 13260 - 13269; 23 CCR Chapter 9. The code requires adequate protection of water quality by appropriate design, sizing and construction of erosion and sediment controls. Discharge of waste earthen material into surface waters resulting from land disturbance may require the filing of a report of waste discharge (Water Code § 13260121) and provides for the issuance of waste discharge requirements with respect to the discharge of any waste that can affect the quality of the waters of the state.

The Porter-Cologne Water Quality Act of 1972 is the state equivalent of the federal CWA, and its effect on the MPP would be similar. The RWQCB, which controls surface water discharge, may become directly involved if soil erosion threatens water quality. CEQA requires an evaluation of impacts on state prime agricultural lands by the project.

With respect to potential surface water pollution from project area runoff, the waste discharge requirements may incorporate requirements based on the following sources of recommended methods and procedures:

- State Water Resources Control Board. 1996. *Erosion and Sediment Control Field Manual*.

- EPA. 1973. *Processes, Procedures and Methods to Control Pollution Resulting From All Construction Activity*. Presents information on processes, procedures, and methods for controlling sediment, storm water, and pollutants from construction activities.
- California Department of Resources Conservation. 1978. *Erosion and Sediment Control Handbook*. Provides procedures by which physical and climatic data and erosion control practices can be considered in making an assessment of a site for determining the need for an erosion control plan and for preparing an erosion control plan.

The administering agencies for the above authorities are the CEC, the Los Angeles RWQCB, and the State Water Resources Control Board.

7.5.4.3 Local Authorities and Administering Agencies

Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles, Order No. 96-054, NPDES No. CAS 614001.

In accordance with the Clean Water Act, an NPDES permit is required for certain municipal separate storm water discharges to surface waters. The MPP is within the area covered by NPDES Permit No. CAS 614001 issued by the Regional Board on July 15, 1996. The permit is a joint permit, with the County of Los Angeles as the “Principal Permittee” and 85 incorporated cities within the County of Los Angeles, including the COB, as “Permittees.” The objective of the permit, and the associated storm water management program, is to effectively prohibit non-storm water discharges and to reduce pollutants in urban storm water discharges to the “maximum extent practicable” in order to attain water quality objectives and to protect the beneficial uses of receiving waters.

As part of the municipal storm water program, the Regional Board adopted the Standard Urban Storm Water Mitigation Plan (SUSMP) to address storm water pollution from new development and redevelopment projects. The SUSMP is a model guidance document for use by Permittees in the review and approval of project plans to ensure that project proponents have adequately incorporated post-construction BMPs to manage the quality of storm water and urban runoff.

The administering agency for the above authority is the RWQCB.

COB Municipal Code; Chapter 25; Article 10; Part 1. Establishes a storm water and runoff pollution control program in compliance with the “Standard Urban Storm Water Mitigation Plan for Los Angeles” (SUSMP).

The administering agency for the above authority is the COB.

RWQCB, Los Angeles Region; “Standard Urban Storm Water Mitigation Plan for Los Angeles County and Cities in Los Angeles”.

The administering agency for the above authority is the COB.

COB Municipal Code; Chapter 7; Article 19; Part 2. Requires a local stormwater pollution prevention plan (SWPPP) and wet weather erosion control plan (WWECP) be submitted.

The administering agency for the above authority is the COB.

COB Municipal Code; Chapter 13; Article 1. Establishes grading requirements during the construction phase of the project.

The administering agency for the above authority is the COB.

7.5.4.4 Industry Codes and Standards

No laws, ordinances, regulations, standards or codes are applicable.

7.5.5 Water Resources

The following LORS are applicable or potentially applicable to the proposed project in the context of water resources.

7.5.5.1 Federal Authorities and Administering Agencies

Clean Water Act of 1977 (including 1987 amendments) § 402, 33 USC § 1342; 40 CFR Parts 122 - 136. The Clean Water Act requires a NPDES permit for any discharge of pollutants from a point source to waters of the United States. This law and its regulations apply to storm water and other discharges into waters of the United States. The Clean Water Act requires a general construction activities permit for discharge of storm water from construction sites disturbing five acres or more. The State of California Water Resources Control Board administers this federal permit requirement.

A NPDES Permit that regulates storm water and other discharges to water by establishing effluent limitations and monitoring and reporting requirements has been acquired from the Los Angeles RWQCB, for plant operation. A Construction Activities Storm Water General Permit will be obtained from SWRCB.

The administering agencies for the above authority are the Los Angeles Regional Water Quality Control Board, and EPA, Region IX.

40 CFR Parts 125 and 143. In-plant waste streams and once-through cooling water must comply with effluent limitations, pretreatment standards, and new source performance standards for the “Steam Electric Power Generating Point Source Category.”

The administering agency for the above authority is EPA Region IX.

Federal Endangered Species Act (FESA) 16 USC 1536(3,4). The USFWS must determine whether a project will affect a federally listed threatened or endangered species or result in destruction or adverse modification of critical habitat. In addition, any agency reviewing a proposed project within its jurisdiction must determine whether any federally listed threatened or endangered species may be present in the project area and determine whether the proposed project could have a potentially significant impact on such species.

The administering agency for the above authority is the USFWS.

7.5.5.2 State Authorities and Administering Agencies

The California Porter-Cologne Water Quality Control Act 1998; California Water Code § 13000 - 14957; Division 7, Water Quality. The Porter-Cologne Water Quality Control Act authorizes the state to develop and implement a statewide program for the control of the quality of all waters of the state. The Act establishes the state board and each regional boards as the principal state agencies with primary responsibility for the coordination and control of water quality. Under § 13172, siting, operation, and closure of waste disposal sites are regulated. The Board requires classification of the waste and the disposal site. Discharges of waste must comply with the groundwater protection and monitoring requirements of the Resource Conservation and Recovery act of 1976, as amended (42 USC Sec. 6901 *et seq.*), and any federal acts which amend or supplement the Resource Conservation and Recovery Act of 1976, together with any more stringent requirements necessary to implement this revision or Article 9.5 (commencing with Section 25208) of Chapter 6.5 of Division 20 of the Health and Safety Code. The discussion above in Section 7.5.4.2 is also applicable. The project will comply with the regulations set forth in this act.

The administering agencies for the above authorities are the CEC, State Water Resources Control Board, and the Los Angeles Regional Water Quality Control Board.

California Constitution, Article 10 § 2. This article prohibits the waste or unreasonable use of water, and regulates the method of use and method of diversion of water. The project will comply with the State constitution.

The administering agency for the above authority is the State Water Resources Control Board.

State Water Resources Control Board, Resolution 75-58 (June 18, 1975). The Board prescribes state water quality control policy on the use and disposal of inland water used for power plant cooling. The project will not be affected by this policy.

The administering agencies for the above authority are the State Water Resources Control Board and the CEC.

California Water Code § 13260 - 13269; 23 CCR Chapter 9. The code requires the filing of a report of waste discharge and provides for the issuance of waste discharge requirements with respect to the discharge of any waste that can affect the quality of the waters of the state. The waste discharge requirements will serve to enforce the relevant water quality protection objectives of the Water Quality Control Plan and federal, technology-based effluent standards applicable to the proposed MPP. With respect to potential water pollution from construction activities, the waste discharge requirements may incorporate requirements based on the Clean Water Act § 402(p) and implementing regulations at 40 CFR Parts 122 seq., as administered by the Los Angeles RWQCB.

The administering agency for the above authority is the Los Angeles Regional Water Quality Control Board.

California Water Code §§ 13271 - 13272; 23 CCR §§ 2250 - 2260. These code sections require reporting of releases of specified reportable quantities of hazardous substances or sewage (§ 13271) and releases of specified quantities of oil or petroleum products (§ 13272), when the release is into, or where it will likely discharge into, waters of the state. For releases into or threatening surface waters, a “hazardous substance” and its reportable quantities are those specified at 40 CFR § 116.5, pursuant to § 311(b)(2) of the Federal Clean Water Act, 33 USC § 1321(b)(2). For releases into or threatening ground water, a “hazardous substance” is any material listed as hazardous pursuant to the California Hazardous Waste Control Act, Health & Safety Code §§ 25100 - 2520.24, and the reportable quantities are those specified at 40 CFR Part 302. Although such releases are not anticipated, the project would comply with the reporting requirements, as included in the MPP Spill Prevention and Control and Countermeasure Plan (SPCC).

The administering agencies for the above authority are the Los Angeles RWQCB, and the California Office of Emergency Services.

California Public Resources Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2 Subchapter 5, Article 1, Appendix B, Part (1). The code provides for the

inclusion of requirements in the CEC's decision on an AFC to assure protection of environmental quality and requires submission of information to the CEC concerning proposed water resources and water quality protection.

The administering agency for the above authority is the CEC.

California Water Code (CWC) § 13550 et seq. Requires use of reclaimed water where available and appropriate. The State Water Resources Control Board also adopted Resolution 75-58, which encourages the use of wastewater for power plant cooling and established the following order of preference for cooling purposes:

- Wastewater discharged from the ocean
- Ocean water
- Brackish water or irrigation return flow
- Inland wastewater with low total dissolved solids (TDS)
- Other inland water.

The administering agency for the above authority is the SWRCB and the Los Angeles RWQCB.

California Environmental Quality Act, Public Resources Code § 21000 et seq.; CEQA Guidelines, 14 CCR § 15000 et seq.; Appendix G. The CEQA Guidelines (Appendix G) contain definitions of projects which can be considered to cause significant impacts to water resources. The project is not expected to cause significant impacts to water resources, as described in Section 5.5.

The administering agency for the above authority is the CEC.

The California Safe Drinking Water and Toxics Enforcement Act (California Health & Safety Code 25249.5 et seq.). Prohibits actions contaminating drinking water with chemicals known to cause cancer or possessing reproductive toxicity.

The administering agency for the above authority is the Los Angeles RWQCB.

California Endangered Species Act (CESA) California Fish and Game Code 2070. Any agency reviewing a proposed project must determine whether any State listed endangered or threatened species may be present in the project area and whether the project will have a potentially significant impact on such species. The California Department of Fish and Game (CDFG) has the responsibility for maintaining a list of threatened, endangered, and "candidate", species and "species of special concern" which serve as "watch lists."

The administering agency for the above authority is the CDFG.

General Industrial Activities Storm Water Permit 40 CFR 122,123 and 12. Storm water runoff from industrial facilities must comply with standards.

The administering agency for the above authority is the SWRCB.

7.5.5.3 Local Authorities and Administering Agencies

No applicable local LORS or codes have been identified.

7.5.5.4 Industry Codes and Standards

No applicable industry LORS or codes have been identified.

7.5.6 Biological Resources

The following LORS are applicable or potentially applicable to the proposed MPP in the context of biological resources.

7.5.6.1 Federal Authorities and Administering Agencies

Endangered Species Act of 1973; 16 USC § 1531 et seq.; 50 CFR Parts 17 and 222. The Act includes provisions for the protection and management of federally listed threatened or endangered plants and animals and their designated critical habitats.

The administering agencies for the above authority for terrestrial and avian species are the US Army Corps of Engineers (USACE) and US Fish and Wildlife Service (USFWS).

National Environmental Policy Act; 42 USC § 4321 et seq. The Act requires analysis of the environmental effects of federal actions. Because there are no impacts to biological resources, the MPP will not violate the National Environmental Policy Act.

The administering agency for the above authority is the USFWS.

Migratory Bird Treaty Act; 16 USC §§ 703 - 711; 50 CFR Subchapter B. The Act includes provisions for protection of migratory birds, including basic prohibitions against any taking not authorized by federal regulation. Because there are no impacts to birds or their habitat, the MPP will not violate the Migratory Bird Treaty Act.

The administering agency for the above authority is the USFWS.

Fish and Wildlife Coordination Act; 48 Stat. 401, amended; 16 USC 661 et. seq. This act requires federal agencies such as the USACE to coordinate federal actions with the USFWS to conserve fish and wildlife resources. Because there are no impacts to biological resources, the MPP will comply with this Act.

The administering agency for the above authority is the USFWS.

7.5.6.2 State Authorities and Administering Agencies

California Endangered Species Act of 1984; California Fish & Game Code §§ 2050 - 2098. The Act includes provisions for the protection and management of plant and animal species listed as endangered or threatened, or designated as candidates for such listing. The Act includes a consultation requirement “to ensure that any action authorized by a state lead agency is not likely to jeopardize the continued existence of any endangered or threatened species ... or result in the destruction or adverse modification of habitat essential to the continued existence of the species” (§ 2090). Plants of California declared to be endangered, threatened, or rare are listed at 14 CCR § 670.2. Animals of California declared to be endangered or threatened are listed at 14 CCR § 670.5. Because there are no impacts to plant and animal species, the MPP will comply with this code.

The administering agency for the above authority is the California Department of Fish and Game (CDFG).

California Species Preservation Act of 1970; California Fish & Game Code §§ 900 - 903. The Act includes provisions for the protection and enhancement of the birds, mammals, fish, amphibians, and reptiles of California. Because there are no impacts to biological resources, the MPP will comply with this code.

The administering agency for the above authority is the CDFG.

California Fish & Game Code § 3503. The code section prohibits the taking and possessing of any bird egg or nest. Because there is no bird habitat within the project area, the MPP will comply with this code.

The administering agency for the above authority is the CDFG.

California Fish & Game Code § 3511 and § 5050. The code section prohibits the taking and possessing of birds or reptiles listed as “fully protected” in California. Because there are no listed mammals and fish at the project site, the MPP will be in compliance with the California Environmental Quality Act.

The administering agency for the above authority is the CDFG.

California Environmental Quality Act, Public Resources Code § 21000 et seq. The Act provides for protection of the environment. Because there are no natural resources at the site, the MPP will be in compliance with the California Environmental Quality Act.

The administering agency for the above authority is the CEC.

California Public Resources Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2, Subchapter 5, Article I, Appendix B, Part (i). These code and regulation sections require the CEC to assure protection of environmental quality. In the context of biological resources, a proposed project is generally considered to have a significant effect on the environment if it will substantially affect a rare or endangered species (20 CCR § 15380). Because there are no rare endangered species at the project site, the MPP will be in compliance with the California Public Resources Code.

The administering agency for the above authority is the CEC (with comment by the CDFG).

7.5.6.3 Local Authorities and Administering Agencies

The COB General Plan's Conservation Element addresses two main topics, the preservation of the Verdugo Mountains and the community environment. The Verdugo Mountains have been identified as a valuable natural resource that serves as a sanctuary for an abundance of plant and animal life. Development should be limited as much as possible to areas below the Rancho Providencia line. The community environment addresses six issues: (1) population projection and increased utility needs; water, gas, electric and sewage treatment (2) commercial, industrial and residential expansion needs (3) public school capacities (4) balance of land use (5) open space and recreation needs and (6) city-wide geologic conditions.

The COB General Plan's Open Space Element focuses on issues listed below: (1) maintain the Verdugo Mountains as the primary source of open space (2) limit hillside development as directed in the Conservation Element (3) promote the use of open space for recreational purposes (4) improve the aesthetic and economic value of residential, commercial, and industrial by planning properly maintained open space, and (5) promote areas of open space for areas of potential natural or man-made hazards.

The administering agency is the COB Planning and Development Department.

7.5.6.4 Industry Codes and Standards

No laws, ordinances, regulations, standards or codes are applicable to the MPP.

7.5.7 Cultural Resources

Discussion of the applicable LORS for cultural resources is provided in Cultural and Paleontological Resources, Section 7.5.8, below.

7.5.8 Cultural and Paleontological Resources

The applicable LORS for the evaluation and protection of paleontological resources are combined with those for cultural resources and include the following:

7.5.8.1 Federal Authorities and Administering Agencies

National Historic Preservation Act of 1966 (NHPA), as amended; 16 USC §470 et. seq.; Section 106; 36 CFR 800. The code includes provisions for protection of significant archaeological and historical resources. Procedures for dealing with previously unsuspected cultural resources discovered during construction are identified in 36 CFR 800 (for implementing § 106 processes).

The administering agencies for the above authorities are the State Historic Preservation Officer (SHPO) and the federal lead agency. Federal involvement has not yet been identified for this project, thus a lead Federal agency would be identified at the time the project is determined to be a “Federal undertaking.”

National Environmental Policy Act of 1968 (NEPA), as amended; USC §4321 4327; 40 CFR 1502.25. The Act requires analysis of potential environmental impacts to cultural resources. Federal involvement has not yet been identified for this project, thus a lead Federal agency would be identified at the time the project is determined to be a “Federal undertaking.”

1978 Memorandum from Acting Director of BLM. This memorandum provides significance criteria for paleontological resources. Federal involvement has not yet been identified for this project, thus a lead Federal agency would be identified at the time the project is determined to be a “Federal undertaking.”

Federal Antiquities Act of 1906, 16 USC 432, 433. This Act serves as the basis for legislation regarding the preservation of cultural properties on federal lands, and provides for a permit process for scholarly use of properties, and misdemeanor-level penalties. Federal

involvement has not yet been identified for this project, thus a lead Federal agency would be identified at the time the project is determined to be a “Federal undertaking.”

Executive Order 11593. This Executive Order directs federal agencies to inventory cultural properties under their jurisdiction, to nominate properties to the NRHP, and to use due caution until the inventory and nomination processes are completed. Federal involvement has not yet been identified for this project, thus a lead Federal agency would be identified at the time the project is determined to be a “Federal undertaking.”

Archeological and Historic Preservation Act of 1976, 16 USC 469. This Act provides for the preservation of historical and archaeological data that might otherwise be lost as the result of a federal construction project or a federally licensed or assisted project. Federal involvement has not yet been identified for this project, thus a lead Federal agency would be identified at the time the project is determined to be a “Federal undertaking.”

Archaeological Resources Protection Act of 1979, 42 USC 470aa et seq. This Act provides felony-level penalties for removal or damage to archaeological resources more than 100 years old. Federal involvement has not yet been identified for this project, thus a lead Federal agency would be identified at the time the project is determined to be a “Federal undertaking.”

American Indian Religious Freedom Act of 1979, 42 USC 1996. It is the policy of the United States to protect and preserve the American Indians’ (and other indigenous groups) right to express and exercise their traditional religions, including access to religious sites. Federal involvement has not yet been identified for this project, thus a lead Federal agency would be identified at the time the project is determined to be a “Federal undertaking.”

Native American Graves Protection and Repatriation Act of 1990, 25 USC 3001. This Act establishes the rights of Indian tribes and Native Hawaiians to claim ownership of certain cultural items held or controlled by federal agencies. Federal involvement has not yet been identified for this project, thus a lead Federal agency would be identified at the time the project is determined to be a “Federal undertaking.”

Prevention of Significant Deterioration (PSD) Permit. Provided when issuance of the PSD permit is a “federal undertaking” and requires compliance with Section 106 of the NHPA.

The administering agency for the above authority is the USFWS (via delegation to SCAQMD).

Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, September 29, 1983. These guidelines are non-regulatory standards for the gathering and treatment of data related to cultural resources. The administering agencies for the above authority are the Secretary of the Interior and a lead Federal agency that would be identified at the time the project is determined to be a "Federal undertaking."

7.5.8.2 State Authorities and Administering Agencies

California Environmental Quality Act (CEQA) Section 15064.5; California Public Resources Code § 5024, 5024.5, and 21083.2; Title 14, CCR § 15126. CEQA addresses the treatment of cultural resources that could be affected by the project, the evaluation of the importance of these resources, the assessment of project impacts to important resources, and the development of a plan to avoid or address adverse effects to these resources. Formal findings of importance (for state purposes, eligibility to the California Register of Historic Places) and project effects are made by the lead state regulatory agency or, for federal undertakings, in consultation between the federal lead agency, SHPO, and the Advisory Counsel on Historic Preservation.

The administering agency for the above authority is the CEC. Conformance is discussed in Section 5.8.

California Public Resources Code §§ 25523(A), 25527; 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2, Subchapter 5, Article 1, Appendix B, Part (i). The code sections provide for the inclusion of requirements in the CEC's decision on an AFC to assure protection of environmental quality; the AFC is required to include a detailed description and discussion of the environment of the project area and the CEC is required to give special consideration to the need for protection of unique historical, archaeological and cultural sites.

The administering agency for the above authority is the CEC.

California Public Resources Code § 5097.5. The code section makes it a misdemeanor to remove without authorization archaeological resources or paleontological remains on sites located on public lands (Stats. 1965, c. 1136, p. 2792).

The administering agency for the above authority is the Los Angeles County Regional Planning Department. Conformance is discussed in Section 5.8.

California Public Resources Code § 5097.94 and 5097.98. The code section provides for mediation of disputes related to recovery and treatment of Native American human remains and identification of Most Likely Descendants.

The administering agency for the above authority is the California Native American Heritage Commission (NAHC).

California State Health and Safety Code § 7050.5. The code section provides for County Coroner identification of human remains and, if determined to be of Native American origin, coordination with the NAHC.

The administering agency for the above authority is the Los Angeles County Coroner (Medical Examiner).

California State Public Resources Code § 5024.1. The code section provides for the establishment of the California Register of Historic Resources and procedures for nominating sites to the Register.

The administering agency for the above authority is the State Historical Resources Commission.

7.5.8.3 Local Authorities and Administering Agencies

Los Angeles County. The General Plan provides policies to protect and identify historical, archaeological, paleontological, geological and significant architectural structures.

The administering agency for the above authority is Los Angeles County

Los Angeles County Code Title 22;Chapter 22.56.215 Section F1b. This code requires projects in hillside management areas be compatible with the natural, biotic, cultural, scenic and open space resources of the area.

The administering agency is the Los Angeles County Regional Planning Department.

City of Burbank Municipal Code, Article 9, Division 6. The city outlines Historic Preservation Regulations including their purpose, and definition and criteria regarding historical places or structures. Procedures, permitting, and maintenance pertaining to historical resources are also clarified.

The administering agency is the City of Burbank Planning Department.

7.5.8.4 Industry Codes and Standards

No laws, ordinances, regulations, standards or codes are applicable.

7.5.9 Land Use

Applicable LORS pertaining to land use as they relate to the proposed MPP include the following:

7.5.9.1 Federal Authorities and Administering Agencies

There are no federal LORS related to land use associated with the MPP.

7.5.9.2 State Authorities and Administering Agencies

Cal. Pub. Res. Code Section 25523 (a); 20 CCR Sections 1752, 1752.5, 2300-2309, and Chapter 2, Subchapter 5, Appendix B, Part (I) (3) and (4). This regulation requires the evaluation of the compatibility of the proposed project with relevant land use plans.

The administering agency for this law is the CEC.

CEQA, Pub. Res. Code §§ 2100-21177. This regulation requires appropriate mitigation measures for potential environmental impacts.

The administering agency for this law is the CEC.

California State Planning Law, Government Code Sections 65300 and 65302. These code sections require counties and cities to prepare and adopt a comprehensive, long-term general plan for the physical development of the county or city. The general plan is required to contain seven mandatory elements, including a land use element.

The administering agency is the City of Burbank.

7.5.9.3 Local Authorities and Administering Agencies

COB General Plan. The COB adopted the current General Plan in 1988. This plan is a comprehensive, long-term general plan for the purpose of guiding the physical development of the COB. The General Plan incorporates the goals and policies of various environmental areas into one complete document. The document is comprised of seven mandated elements. These include: Land Use, Noise, Circulation, Housing, Open Space, Safety, and Conservation. Within these elements policies are discussed for implementation of the desired goals. Applicable General Plan policies related to land use are contained in the Land Use Element. The applicable policies are identified below:

- Land use allocation and urban development shall reflect geologic and seismological studies and noted hazard areas.
- Building height is limited to an absolute maximum of 70 feet, even with a CUP, except in the City Centre Redevelopment Project area, the Golden State Redevelopment Project area, the Media District, and other areas for which there is a specific plan.
- In order to minimize any possible land use conflicts, the interface between potentially conflicting land uses or land use intensities shall occur as follows:
 - This interface exists under current zoning
 - The front yards of the potentially conflicting land uses do not face each other, or
 - The multiple-family development faces onto an arterial street.
- Land use intensity shall be consistent with the capacity and constraints of the surrounding street system.
- Land uses and intensities shall be consistent with the capabilities and capacities of sewer and water distribution systems and drainage facilities.
- The recycling of land will be encouraged and facilitated in underutilized or deteriorating areas of the COB.
- Rehabilitation of deteriorating residential, commercial and industrial properties will be vigorously promoted and strict code enforcement will be implemented as part of a comprehensive rehabilitation program.
- New development shall be required to pay the full cost of all municipal infrastructure improvements it necessitates; this includes but is not limited to park development, improvements to streets (including signalization and turning lanes), highways and other transportation facilities, sewage treatment and transmission facilities, and upgrading of water and power facilities.
- All new development will provide adequate off-street parking; parking requirements shall be reviewed periodically and amended when necessary to meet identified needs of the community.
- New development shall have architectural design that is compatible with surrounding properties and which enhances the appearance of the COB.
- Industrial activities shall be separated from conflicting land uses.

- The undergrounding of utilities is mandatory for all new residential subdivisions and for major projects in the COB's three (currently four) redevelopment project areas. Undergrounding of public utilities will be undertaken whenever necessary for public safety. All other new projects should make adequate provision for the future undergrounding of utilities. The undergrounding of all public utilities is highly desirable and is encouraged wherever possible.
- Public utility easements will be protected and maintained in order to facilitate the safe and effective provision of public services. These easements may not be encroached upon nor access diminished in any way without an encroachment permit from the effected utilities.

Industrial Land Use Policies. Applicable industrial land use policies from the COB's General Plan Land Use Element include the following:

- Prevent the intrusion of incompatible uses which would reduce the efficiency of the industries and their growth and expansion.
- Ensure adequate streets, off-street loading, service and parking facilities in industrial areas.
- Encourage and promote the landscaping of industrial sites and the aesthetic design of industrial buildings in order to improve the appearance of the industrial areas, and the city as a whole, thereby contributing to the positive image of Burbank.
- Prohibit uses that could pose an unreasonable threat to public health, safety and welfare. Such uses include, but are not limited to, those that employ or produce hazardous toxic substances.

The MPP is consistent with the above referenced policies. The proposed project will be constructed adjacent to the existing COB power facility. The seismic conditions at the MPP site are consistent with the seismic element described in the COB General Plan. The project site is located within a redevelopment area of the COB that has its own Specific Plan. Additionally, the Applicant will obtain a CUP to allow the stack and HRSG heights to be over 70 feet. The existing street system and public utilities are adequate for the proposed facility. No upgrades are necessary to support the proposed project. The existing parking at the site will remain and no new spaces will be added. The project will be reviewed by the COB through its development review process. This process allows all departments to review the design of the project and to provide comments. The architectural design of the new facility will be reviewed for its consistency with the existing architectural character of the

neighborhood. Existing conflicting uses do exist adjacent to the westerly portion of the site. Several residences currently exist in an area zoned for general industrial uses on Moss Street. However, these residences have become accustomed to the surrounding industrial uses. Separation of conflicting land uses cannot occur without removal of either the residences or the industrial areas. Since the General Plan indicates that the land uses in the area of the residences should be restricted to general industrial land uses, it would appear that the residential use is a legal non-conforming use that will remain until the homes are removed. At that time, the use would revert to industrial as advised by the General Plan and zoning ordinance. Therefore, the MPP is consistent with this policy.

The project is a permitted use within the COB's M-2 Zone district of the zoning ordinance. The intent of this zone district is to provide appropriate areas for heavy manufacturing, assembling, and/or processing activities. The project is designed to comply with the development requirements of the M-2 Zone district.

COB Municipal Code. This code includes the regulatory and penal ordinances as well as the administrative ordinances of the COB. A list of the applicable COB Municipal and Zoning Code Ordinances are included in Table 5.9-4.

7.5.9.4 Industry Codes and Standards

No laws, ordinances, regulations, standards or codes are applicable.

7.5.10 Socioeconomics

The following LORS are applicable or potentially applicable to the MPP in the context of socioeconomics.

7.5.10.1 Federal Authorities and Administering Agencies

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations". The Order focuses federal attention on the environment and human health conditions of minority communities and calls on agencies to achieve environmental justice as part of their mission. The Order requires the EPA and all other federal agencies (as well as state agencies receiving federal funds) to develop strategies to address this problem. Agencies are required to identify and address any disproportionately high and/or adverse human health or environmental effects of their programs, policies, and activities on minority and/or low-income populations.

The administering agencies for the above authority are the EPA, BLM, CEC, and all other agencies involved with the proposed project.

7.5.10.2 State Authorities and Administering Agencies

California Environmental Quality Act; California Public Resources Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2, Subchapter 5, Appendix B, Part (i); 14 CCR § 15131. Under the California Resources Agency regulations for implementation of CEQA, economic or social effects of a project “shall not be treated as significant effects on the environment” but may be “used to determine the significance of physical changes caused by the Project” (14 CCR § 15131).

The administering agency for the above authorities is the CEC.

7.5.10.3 Local Authorities and Administering Agencies

No specific LORS apply to socioeconomic impacts. California State Planning Law (Government Code Sections 65302 et seq.) requires that each city and county adopt a General Plan consisting of seven mandatory elements to guide planning and development within the jurisdiction. Most jurisdictions do not have laws, ordinances or regulations specifically affecting the socioeconomic aspects of a project.

7.5.10.4 Industry Codes and Standards

No laws, ordinances, regulations, standards or codes are applicable.

7.5.11 Traffic and Transportation

The following LORS are applicable to the control of traffic and transportation as it relates to the proposed MPP.

7.5.11.1 Federal Authorities and Administering Agencies

49 CFR, Chapter II, Subchapter C; and Chapter III, Subchapter B. These authorities establish national standards for the transportation of hazardous materials (Chapter II, Subchapter C), and national safety standards for the transport of goods and materials and substances over public highways (Chapter III, Subchapter B, Parts 171-173, 177-178).

The administering agency for the above authority is Caltrans. Conformance is discussed in Section 5.11.1.3.

7.5.11.2 State Authorities and Administering Agencies

California Vehicle Code § 35780; California Streets & Highways Code §§ 117 and 660-711; 21 CCR §§ 1411.1-1411.6. These codes state permit requirements for “overload” approvals (transportation permits) for transportation over state highways.

The administering agency for the above authority is Caltrans. Conformance is discussed in Section 5.11.2.1.

California Streets and Highways Code §§ 117, 660-711. This code requires permits for any construction, maintenance or repair involving encroachment on state highway rights of way.

The administering agency for the above authority is Caltrans. No permits will be required.

California Vehicle Code § 31300 et seq. The code includes provisions for the transportation of hazardous materials on state highways.

The administering agency for the above authority is Caltrans. Conformance discussed in Section 5.11.2.2.2.

California State Planning Law, Government Code Section 65302. Requires each city and county to adopt a General Plan consisting of seven mandatory elements to guide its physical development Section 65302(b) requires that a circulation element be one of the mandatory elements. The scope of a circulation element consists of the “general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan.”

The administering agency is the City of Burbank Planning Department or the Los Angeles County Regional Planning Department.

California Vehicle Code, Section 32105. Requires that shippers of inhalation hazard or explosive materials must contact the California Highway Patrol and apply for a Hazardous Material Transportation License. The project will conform to this law by requiring shippers of these types of material to obtain the Hazardous Material Transportation License.

The administering agency is the California Highway Patrol.

California Department of Transportation Traffic Manual, Section 5-1.1. Requires a temporary traffic control plan be provided for “continuity of function (movement of traffic, pedestrians, bicyclists, transit operations), and access to property/utilities” during any time the normal function of a roadway is suspended.

The administering agency is Caltrans.

The California Streets and Highways Code, Division 2, Chapter 5.5, Sections 1460-1470. requires encroachment permits for projects involving excavation in city streets. This law is generally enforced at the local level.

The administering agency is Caltrans.

7.5.11.3 Local Authorities and Administering Agencies

COB Municipal Code Chapter 13 Excavations, Article 2-Excavations and Installations in Public Streets. No person shall make any changes under, adjacent or on the public streets or place construction equipment on the public streets without first obtaining either a Excavation/Construction permit or a Street Use permit from the Director of Public Works. These permits are good for seven days and work must commence within 60 days. The Director of Public Works may issue an Annual Blanket permit to place or repair any facility or equipment that does not interfere with, disturb, destroy or remove any street improvement, or involve the making of any excavation in or below the surface of the street.

The administering agency is the City of Burbank.

COB Municipal Code Chapter 26 Streets, Article 5-Repair of Sidewalks and Curbs. A property owner has five days to make repairs to damaged sidewalks or curbs adjacent to their property after receiving a written notice from the COB.

The administering agency is the City of Burbank.

COB Municipal Code Chapter 26 Streets, Article 7-Encroachment on City Property. No person can encroach on, in, under or over any property without applying for a permit. The permit is good for thirty days.

The administering agency is the City of Burbank.

COB Municipal Code Chapter 29 Vehicles and Traffic, Article 13-Truck Routes and Streets Prohibited to Commercial Vehicles. Designates streets and parts of streets established by resolution to be truck routes for the movement of vehicles having three or more axles. It also specifies streets that prohibit vehicles having three or more axles. The provisions of this ordinance do not apply to passenger buses under the jurisdiction of the public utilities commission.

The administering agency is the City of Burbank.

COB Municipal Code Chapter 29 Vehicles and Traffic, Article 25-Overloads. Requires a permit for moving a vehicle exceeding height, width, length, size or height of vehicle or load limitations set forth in Division 15 of the State Vehicle Code. The Public Works Department must be notified five days in advance of the transport of the vehicle/load.

The administering agency is the City of Burbank.

Regional Transportation Plan. Compliance with goals and policies for transportation and regional traffic systems.

The administering agency is the Southern California Association of Governments (SCAG)

COB Municipal Code Chapter 29 Vehicles and Traffic, Article 26-Terminal Access for Interstate Trucks. “The operator of a terminal requiring terminal access for interstate trucks from the federally designated highway system, which interstate trucks will utilize any City street in traveling to, or from, such terminal, shall submit an application, on a form as provided by the City, and make payment of the fees are required by Section 29-2604 of this Code.” The application is filed with the Public Works Department.

The administering agency is the City of Burbank.

COB Municipal Code Chapter 31, Article 14-General Off-Street Parking Standards Section 31-1407 Use of Vacant Lots in Residential and Commercial Zones for Parking Vehicles. If permitted by the Building Director, vacant lots can be used temporarily for construction or special events.

The administering agency is the City of Burbank.

7.5.11.4 Industry Codes and Standards

No laws, ordinances, regulations, standards or codes are applicable.

7.5.12 Noise

The applicable LORS relating to noise applying to the proposed MPP include the following:

7.5.12.1 Federal Authorities and Administering Agencies

There are no federal laws, ordinances or regulations that affect this project. However, there are guidelines at the Federal level that direct the consideration of a broad range of noise and vibration issues as listed below:

- National Environmental Policy Act (42 U.S.C. 4321, et. seq.) (PL-91-190) (40 C.F.R. §1506.5)
- Noise Control Act of 1972 (42 U.S.C. 4910).

Additional noise emission/exposure guidelines, regulations, codes, and statutes exist that are promulgated and/or enforced by various federal agencies including the National Park Service, the US Coast Guard, Fish and Wildlife Service, etc. that are focused on their respective area of expertise.

The U.S. Environmental Protection Agency has not promulgated standards or regulations for environmental noise generated by power plants. However, as listed above, the EPA has published a guideline (EPA Levels Document, Report No. 556/9-74-664) containing recommendations for noise levels affecting residential land use of Ldn 55 dBA for outdoors and Ldn 45 dBA for indoors. The agency is careful to stress that the recommendations contain a factor of safety and do not consider technical or economic feasibility issues, and therefore should not be construed as standards or regulations.

The guidelines are not administered, per se, by any agency.

Occupational Safety and Health Act of 1970, (29 CFR § 1919 et seq.). OSHA has established maximum permissible worker noise exposure levels to protect against worker hearing damage. The noise exposure criteria are based on a worker's noise level exposure over a specific duration. For example, a worker shall not be exposed to an average sound pressure level in excess of 90 dBA over an 8-hour period. When worker noise level exposure exceeds the permissible level, noise levels must be controlled through feasible engineering or administrative controls. When such controls fail to reduce the noise exposure to permissible levels, personal protective equipment must be provided and used to reduce the noise exposure to a permissible level.

The administering agency for the above authority is the Federal Occupational Safety and Health Administration (OSHA).

Federal Transit Administration Circular C5620.1. The CEC uses this guideline to evaluate the significance of noise impacts through the comparison of existing ambient noise

levels with the noise levels projected to result from a project. This requirement is applicable to the control of operational noise from the proposed project. The guideline limits noise increase to 5 dBA at noise-sensitive receptors.

The guidelines are not administered, per se, by any agency.

Noise Control Act (1972) as amended by the Quiet Communities Act (1978); (42 USC 4901 - 4918). To promote an effective noise control program, federal, state, and local agencies are provided with a framework for cooperation through the Quiet Communities Program.

The guidelines are not administered, per se, by any agency.

7.5.12.2 State Authorities and Administering Agencies

The California Department of Industrial Relations, Division of Occupational Safety and Health (Cal OSHA) (8 CCR, General Industrial Safety Orders, Article 105, Control of Noise Exposure, §5095) requires that all in-plant noise levels be limited to 85 dBA at three feet from equipment sources to protect worker safety. If areas of the plant exceed 85 dBA then all aspects of the hearing conservation program must be implemented by the employer.

There are likely to be areas within the plant with noise levels above 85 dBA, but none of them can be considered a normal stationary eight hour working station. Full-time operations and maintenance personnel will have only limited exposure to these high noise areas under most circumstances. In areas where 85 dBA is typically exceeded, signs will be posted requiring the use of hearing protection. Additionally hearing conservation programs must be implemented.

The administering agency for the above authority is Cal-OSHA.

The State also requires local jurisdictions (CCR 65302F) to prepare General Plans that include Land Use and Noise Elements.

The administering agency for General Plan is the City of Burbank.

California Noise Control Act of 1973 (California Health and Safety Code, Division 28). The State assists local agencies with legal and technical expertise to encourage the establishment and enforcement of local noise ordinances.

The guidelines are not administered, per se, by any agency.

7.5.12.3 Local Authorities and Administering Agencies

City of Burbank General Plan, VI, Noise Element. One of the goals of the noise elements is to encourage the reduction of noise from all sources such as motor vehicles, industrial/commercial activities and home appliances.

The administering agency is the City of Burbank.

The project is governed by the COB Noise Ordinance. Project noise at the plant site boundaries must comply with the Noise Ordinance guidelines established for residential and industrial land uses.

City of Burbank, General Plan, VI Noise Element, Section VI, D and E. Recommends that exterior noise exposures at residential locations should not exceed an Ldn of 60 dBA. Interior noise levels attributable to exterior sources shall not exceed 45 dBA Ldn.

The administering agency is the City of Burbank.

7.5.12.4 Industry Codes and Standards

No laws, ordinances, regulations, standards or codes are applicable.

7.5.13 Visual Resources

The following LORS are applicable to the protection of aesthetic values and visual resources as they relate to the proposed MPP.

7.5.13.1 Federal Authorities and Administering Agencies

No laws, ordinances, regulations, standards, or codes are applicable.

7.5.13.2 State Authorities and Administering Agencies

No laws, ordinances, regulations, standards or codes are applicable.

7.5.13.3 Local Authorities and Administering Agencies

COB General Plan. The City's General Plan does not specifically reference the Burbank Magnolia Power Plant site with respect to visual resources. However, the City has identified four policies that relate to the development in general. They are as follows:

Land Use Policies.

- Building height is limited to an absolute maximum of 70 feet, even with a CUP, except in the City Centre Redevelopment Project area, the Golden State Redevelopment Project area, the Media District, and other areas for which there is a specific plan.

The applicant has applied for a CUP in accordance with the requirement for building height, as components of the project will exceed 70 feet.

- New development shall have architectural design that is compatible with surrounding properties and which enhances the appearance of Burbank.

The applicant will work with the City to ensure compatible design components such as, paint color.

- Industrial activities shall be separated from conflicting land uses.

The plant is adjacent to the Olive Power Plant on the southwest portion of the property and warehousing to the northeast. These are compatible uses.

Industrial Land Use Policies.

- Encourage and promote the landscaping of industrial sites and the aesthetic design of industrial buildings in order to improve the appearance of the industrial areas, and the City as a whole, thereby contributing to the positive image of Burbank.

The applicant will work with the City to ensure that acceptable color treatments and landscaping/screening plans are implemented.

The administering agency for the General Plan is the City of Burbank Planning Department.

South San Fernando Redevelopment Project. The Magnolia Power Project is located within the boundaries of the South San Fernando Redevelopment Project area. Per Ruth Davidson-Guerra (February, 2001) at the COB, this redevelopment area does not have any specific requirements or policies in place that pertain to this project. All projects in this area are reviewed by the Redevelopment Agency on a case by case basis and require Agency approval. The Magnolia Power Project will be subject to review and approval by the Agency.

COB Municipal Code. The project is zoned M2, Industrial Zone. The City's municipal code sets forth the following requirements that are applicable to this zone.

Sec. 31-812.

(a) Structure Height

(1) The maximum height of a structure shall be determined by its distance from the closest lot line of any property zoned for residential use as follows:

(vii) Greater than 500 feet (located in an adopted specific planning or redevelopment planning area). Maximum height limit to be determined through the conditional use permit.

(3) CUP required for structure higher than 35 feet.

The applicant has applied for a CUP in accordance with the requirement for building height, as components of the project will exceed 35 feet.

(c) Yards

(2) Setbacks

(a) All structures, including semi-subterranean garages, but excluding above-grade parking structures, shall be set back at least five feet from the front lot line or 20% of the building height, whichever is greater; this setback requirement may be averaged. Such setback shall be required for that portion of a building that is within 20 feet above grade and shall be calculated for the length of the building frontage only. Portions of buildings over 20 feet in height may extend over required front yard setbacks, except in areas where required trees are planted.

The project as designed has setbacks of 140 feet on Magnolia and 420 feet on Olive and therefore complies.

(3) Landscaping

(a) A minimum of 50% of front and exposed side yards shall be landscaped.

(e) In required front and exposed side yards, a minimum of one tree shall be planted for every forty linear feet of street frontage or fraction thereof. Turf is allowed in up to 50% of required landscaped areas. In shrub areas, a minimum of one five-gallon shrub is required for every ten square feet of shrub area.

The project will comply.

Sec. 31-813 Development Review. Unless specifically exempted by Section 31-1915 of this code, no structure shall be erected in a M-2 zone, nor shall any permits related thereto be issued until an application for Development Review has been submitted to and approved by the Director, as provided in Division 2, Article 19 of this chapter. These permits include but are not limited to site preparation permits such as demolition permits and grading permits.

The Applicant has applied for Development Review.

Sec. 31-1113.1 Commercial and Industrial Design Standards.

(a) Roof Design

- (3) All roof mounted equipment shall be screened from view through the use of architectural screening systems which are visually integrated into building design with respect to color, material and form.

The power plant does not have “roof mounted” structures as identified by this paragraph. The development review process, already applied for, will address the general intent of this section.

(c) Building Materials

All facades visible to the public and surrounding neighbors must be designed, treated and finished in a manner compatible with the other visible sides of the building.

The project complies.

(d) Variation on Plane

All building elevations fronting public streets or residentially zoned lots shall contain elements designed for the purpose of providing visual variation including expressed floor or surface breaks, balconies, projections, recesses, awnings, and horizontal setbacks.

The project complies with the general intent though the project does not have a conventional building character as expressed above. The development review process, already applied for, will address the intent of this section.

Section 31-1114 Art in Public Places. The requirements of this section require further communication with and clarification from City staff.

7.5.13.4 Industry Codes and Standards

No laws, ordinances, regulations, standards or codes are applicable.

7.5.14 Waste Management

Information on Waste Management LORS is presented in Section 7.5.15, Hazardous Materials Handling, below.

7.5.15 Hazardous Materials Handling

The following LORS are applicable or potentially applicable to the MPP for the management of hazardous materials and generated waste streams.

7.5.15.1 Federal Authorities and Administering Agencies

Resource Conservation and Recovery Act (RCRA); 42 USC § 6901 et seq.; 40 CFR Parts 260 - 272. These codes and regulation sections set forth federal standards for the generation and management of solid waste (42 USC § 6922). Application to the EPA will be coordinated with application to California Department of Toxic Substances Control for an EPA identification number and hazardous waste generator license.

The administering agencies for the above authority are the EPA, Region IX and Cal-EPA, Department of Toxic Substances Control. Conformance is discussed in Section 5.14.5.1.

The Clean Water Act (CWA) 33 U.S.C., §1251 et seq. Provides the regulatory framework for managing the discharge of wastewater to surface waters of the U.S. The EPA has nationwide authority to implement CWA, but states may be authorized to administer various aspects of the NPDES as well as pretreatment programs. California is authorized under CWA to administer the NPDES program, implement publicly owned treatment works pretreatment programs, oversee federal facilities, and issue general permits.

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund), 42 USC 9601 et seq. 40 CFR 302 as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Emergency Planning and Community Right-to-Know Act of 1986 (SARA Title III), 42 USC § 11001 et seq.; 40 CFR Parts 350, 355 and 370. CERCLA prescribes that the National Response Center be notified for any release of a reportable quantity of a hazardous substance (42 USC § 9603); notification requirements for any potentially injured parties in connection with any such

release (42 USC § 9611(g)); and requirements for demonstration of financial responsibility in connection with storage of hazardous substances (42 USC § 9608(b)).

Superfund regulations define “hazardous substance” as any material appearing in lists referenced in 42 USC 9601 (14) (Section 101). The EPA’s regulations at 40 CFR 302.4, Table 302.4, set forth the list of hazardous substances under CERCLA and the reportable quantities for each.

SARA Title III established a nationwide emergency planning and response program and imposed reporting requirements for businesses that store, handle, or produce significant quantities of hazardous or acutely toxic substances as defined under federal laws. It requires the states to implement a comprehensive system to inform federal authorities, local agencies, and the public when a significant quantity of hazardous acutely toxic substance is stored or handled at a facility. In California, many of the requirements of SARA are reflected in Chapter 6.95 of the California Health and Safety Code.

The administering agencies for the above authority are the EPA, Region IX, the National Response Center. Conformance is discussed in Sections 5.14.2.3.1 and 5.14.2.3.3.

29 CFR § 1910 et. seq. and § 1926 et seq. These sections contain requirements for equipment used to store and handle hazardous materials. This regulation also addresses requirements for equipment necessary to protect workers in emergencies. It is designed primarily to protect worker health, but also contains requirements that affect general facility safety. The California regulations contained in Title 8 (the California equivalent of 29 CFR) are generally more stringent than those contained in Title 29.

The administering agencies for the above authorities are the EPA and the OSHA. Conformance is discussed in Section 5.14.3.3.

49 CFR Parts 171 and 177. The code provides standards for labels, placards, and markings on hazardous waste shipments by truck (Part 172) and standards for packaging hazardous wastes (Part 173 and 179).

The administering agency for the above authority is the California Highway Patrol and Federal Department of Transportation. Conformance is discussed in Section 5.14.3.3.

40 CFR, Parts 144, 145, and 146. The regulations in these parts establish minimum requirements for Underground Injection Control (UIC) programs including State UIC program requirements (Part 145) and technical criteria and standards for the UIC program (Part 146).

The administering agencies for the above authority are the EPA Region IX and Los Angeles RWQCB.

7.5.15.2 State Authorities and Administering Agencies

California Integrated Waste Management Act, Public Resources Code, §40000 et seq.

Non-hazardous solid waste is regulated by this code. The law provides a solid waste management system to reduce, recycle, and reuse solid waste generated in the state to the maximum extent feasible in an efficient and cost-effective manner to conserve natural resources, to protect the environment, and to improve landfill safety. Local agencies are required to develop and establish recycling programs, reduce paper waste, purchase recycled products, and implement integrated waste management programs that conform to the state's requirements. The Los Angeles County Public Works Group, Waste System Division has an integrated waste management program in place.

California Porter-Cologne Water Quality Control Act; California Water Code § 13260 - 13269; 23 CCR § 2510 Article 9 et seq.

These code and regulation sections address waste discharge requirements of the Los Angeles RWQCB, and will apply to any storage or disposal of solid and liquid wastes by the MPP to the extent that such action may affect the quality of the waters of the state.

The administering agencies for the above authority are the Los Angeles RWQCB, and the State Water Resources Control Board. Conformance is discussed in Section 5.14.3.3.

Hazardous Waste Control Act of 1972, as amended; California Health & Safety Code § 25100 et seq.; 22 CCR § 66001 et seq. These code and regulation sections address the management of hazardous wastes. Because MPP activities will not include hazardous waste treatment and all hazardous waste will be offered for transportation offsite by a contractor, the requirements of principal concern are those governing the generation, storage and preparation for shipment of hazardous wastes. Potentially applicable requirements include the following:

- Accumulation of hazardous waste on site is regulated. Hazardous waste cannot be stored on site for more than 90 days. Any hazardous waste stored on site at the MPP would have to be appropriately transferred within three months (CCR, Section 66262.34).
- Determining Waste Characterization (22 CCR §§ 25100 et seq., 66305, 66471).
- Obtaining a Waste Identification Number (22 CCR 66472).

- Certifying on waste shipment manifests that the Applicant has a program to reduce the volume and toxicity of the waste to the degree that it has determined to be economically practicable, and reporting to Department of Toxic Substances Control (DTSC), at least every two years, the changes in volume and toxicity of wastes achieved through waste reduction (42 USC § 6922(a) and (b); California Health & Safety Code § 25244).
- Complying with standards for the storage of hazardous wastes (California Health & Safety Code §§ 25123.3; 15117.12; 22 CCR §§ 66508, 25159 - 25159.5).
- Arranging proper transport and disposal or treatment of hazardous wastes (California Health & Safety Code §§ 25163, 25203; 22 CCR §§ 66472, 66480).
- Preparing a manifest for the transportation of hazardous wastes; providing DTSC with a biennial report regarding hazardous waste shipments (22 CCR §§ 66480 - 66484, 66493).
- Complying with packaging and labeling requirements for shipments of hazardous wastes [22 CCR §§ 66504 - incorporating the US Department of Transportation requirements at 49 CFR Parts 173, 178 and 179 (packaging), and Part 172 (labeling and marking)].
- Maintaining waste testing and disposal records for specified periods (22 § CCR 66492).
- Complying with financial responsibility requirements (California Health & Safety Code §§ 25245-25249; 22 CCR §§ 67001-67035).
- Complying with used oil management requirements, unless exempted (California Health & Safety Code § 25250-25250.25).
- Complying with emergency preparedness, prevention, and planning requirements (22 CCR §§ 67120-67126).
- Complying with monitoring requirements (22 CCR §§ 67180-67188).

The administering agencies for the above authority are the EPA, Region IX, the DTSC, and the COB Fire Department.

8 CCR § 339; § 3200 et seq., 5139 et seq., and 5160 et seq. 8 CCR § 339 lists hazardous chemicals relating to HSITA; 8 CCR § 3200 *et seq.* and 5139 *et seq.* address control of hazardous substances; 8 CCR § 5160 *et seq.* addresses hot, flammable, poisonous, corrosive, and irritant substances.

The administering agency for the above authorities is the CEC.

California Public Resources Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2, Subchapter 5, Article 1, Appendix B, Parts (c) and (1). The code sections provide for the inclusion of requirements in the CEC's decision on an AFC to assure protection of waste handling and control and water quality protection based on Health Risk Assessment Guidelines.

The administering agency for the above authority is the CEC.

California Health & Safety Code §§ 25500 - 25543.3 19 CCR § 2720-2734. These sections require the preparation of a Hazardous Materials Business Plan (HMBP) by an Applicant. Such plans address in detail emergency planning and response aspects in the event of a hazardous materials release at a facility. It may also require the preparation of a California Accidental Release Program (Cal-ARP) Risk Management Plan (§§ 25531 - 25543.3) where highly toxic or highly flammable regulated substances are used. This plan must be based on studies identifying potential hazards associated with the handling of these materials proposed for use at the facility.

7.5.15.3 Local Authorities and Administering Agencies

Uniform Fire Code, Article 80 and Others. The code includes provisions for storage and handling of hazardous materials. There is considerable overlap between this code and Chapter 6.95 of the California Health & Safety Code. The fire code does, however, contain independent provisions regarding fire protection and neutralization systems for emergency venting. Article 4 establishes hazardous materials storage thresholds above which a permit is required. Article 79 presents requirements for combustible and flammable liquids.

The administering agency for the above authority is the COB Fire Department.

City of Burbank Municipal Code, Chapter 25, Sewers. § 05-101 through 902, Burbank Public Works Department Water Reclamation Plant. Regulates discharge to the sanitary system.

The administering agency is the City of Burbank Public Works Department.

Los Angeles County Fire Department, Hazardous Materials Division Regulates hazardous waste generator permitting, hazardous waste handling and storage.

The administering agency is the City of Burbank Fire Department.

Los Angeles County Code, Chapter 12.64. Requires new/modified businesses to complete a business plan, waste minimization plan, and RMP prior to final plan/permit approval.

The administering agency is the City of Burbank Fire Department.

City of Burbank Municipal Code, Section 15.1-8000 Unified Hazardous Waste and Hazardous Materials Management Regulatory Program. Regulates enforcement responsibility for the implementation of Title 23, Division 3, Chapters 16 and 18 of CCR, as it relates to hazardous material storage and petroleum UST cleanup.

7.5.15.4 Industry Codes and Standards

American Institute of Chemical Engineers (AIChE) - Center for Chemical Process Safety, 1985 Guidelines. These guidelines provide for chemical hazard evaluation procedures.

The administering agency for the above authority is the Office of Emergency Services (OES).

7.5.16 Public Health

Information pertaining to Public Health LORS is presented in Section 7.5.2 Air Quality.

7.5.17 Worker Safety

Information pertaining to Public Health LORS is presented in Sections 7.4.2 (Public/Worker Safety and Health Protection) and 7.5.2 (Air Quality).